

NATIONAL FIRE PROTECTION ASSOCIATION

STANDARDS COUNCIL

QUINCY, MASSACHUSETTS

TUESDAY, AUGUST 4, 2009

MORNING SESSION

LEAVITT REPORTING, INC.

1 I N D E X

2 Agenda Item 09-8-5-h - Page 6

3 Agenda Item 09-8-5-l - Page 36

4 Agenda Item 09-8-1-c - Page 46

5 Agenda Item 09-8-1-g - Page 60

6 Agenda Item 09-8-1-f - Page 93

7 Agenda Item 09-8-1-h - Page 116

8 Agenda Item 09-8-2-b - Page 144

9 Agenda Item 09-8-2-a-1 - Page 173

10
11
12
13
14
15
16
17
18
19
20
21
22
23

P R O C E E D I N G S

1
2 The Standards Council met at the National Fire
3 Protection Association Headquarters, Batterymarch Road,
4 Quincy, Massachusetts, on Tuesday, August 4, 2009,
5 commencing at 8:00 a.m., James Pauley, Chairman,
6 presiding.

7 THE CHAIRMAN: Good morning. Welcome to the
8 NFPA Standards Council's August meeting. We are going on
9 the record. We have a day of hearings scheduled for
10 today. In a moment I'm going to introduce myself. I'm
11 going to ask everyone in the room to introduce
12 themselves. I'm going to ask Council members to do that,
13 and then I'll ask everyone else in the room to introduce
14 themselves as well. We do have a series of hearings
15 that are scheduled for today. There is a hearings list
16 the outlines the order we will take these in. We will go
17 directly from one hearing to the next. So if you are in
18 the room for one of the hearings that are later on the
19 list, stick around because as we finish up one we will
20 move right into the next hearing for these time blocks
21 that are in the morning.

22 I do want to remind everyone that this session
23 is being recorded by our stenotypist. I would ask when

1 you speak to please preface your remarks with your name,
2 so we can ensure we capture that appropriately on the
3 record.

4 And the first hearing that we're going to start
5 with, and then I'll do the introductions, but I want to
6 go ahead and get it on the record. The first hearing is
7 Agenda Item 09-8-5-h which deals with NFPA 72, and that
8 will be what we will start with.

9 My name is Jim Pauley, the Chairman of the
10 Council.

11 (The following introductions were made:

12 Amy, why don't you start?

13 Amy Beasley Cronin, secretary to the Council.

14 Linda Fuller, NFPA staff.

15 Kerry Bell, member of Council.

16 James Carpenter, member of Council.

17 Michael Newman, member of Council.

18 J. C. Harrington, member of Council.

19 Joseph Jardin, member of Council.

20 Jim Milke, member of Council.

21 Danny McDaniel, member of Council.

22 Fred Leber, member of Council.

23 Roland Huggins, member of Council.

1 Ralph Gerdes, Council member.

2 Shane M. Clary, member of Council.

3 Ronald Farr, member of Council.

4 Maureen Brodoff, legal counsel to the Standards
5 Council.

6 Carol Henderson, NFPA.

7 Jean O'Connor, NFPA staff.

8 Mary Warren, NFPA staff.

9 Nathan Philips, representing NICA.

10 Christian Dubay, NFPA staff.

11 Lee Richardson, NFPA staff.

12 Bob Schifiliti, Chair of Signaling Systems for
13 the Protection of Life and Property, NFPA 72.

14 Joshua Elvove with the U.S. General Services
15 Administration.

16 Steven Orłowski with the National Association
17 of Home Builders.

18 Larry Brown, National Association of Home
19 Builders.)

20 THE CHAIRMAN: Come in. We are doing
21 introductions for the record. If you want to have a
22 seat. Also state your name for the record.

23 FLOOR: Jack McNamara from Bosh representing

1 AFAA.

2 FLOOR: Bob Hill, representing AFAA.

3 THE CHAIRMAN: Our first agenda item, Mr.
4 Elvove, if you would like to take a seat at the end of
5 the table.

6 Let me very quickly go through how we will do
7 the hearings throughout the day. We basically have given
8 the appellant ten minutes to really present what they
9 would like to present to the Council on the particular
10 issue. We will give anyone who wants to speak on the
11 other side ten minutes to make their points. If there
12 are multiples of you who would like to speak to an issue,
13 I would ask you if you have an opportunity for you to,
14 perhaps, collaborate a little bit, so that we are not
15 repetitive on either side of the issue with what's being
16 said. After that is initially completed, I will then ask
17 for questions from the Council members. When that is
18 completed, I'll give you about five minutes to
19 essentially wrap up anything that you want to say on both
20 sides of the issue.

21 So with that being said, again Agenda Item
22 09-8-5-h, Mr. Elvove.

23 DR. SHANE CLARY: I would like to note for the

1 record I'm a member of the Technical Committee on
2 Fundamentals, part of NFPA 72. As a Technical Committee
3 member, I participated in the consideration and voting on
4 issues that appear to be related to this appeal. I have,
5 therefore, reviewed my obligation under the Guide For
6 Conduct of Participants in the NFPA Process, particularly
7 Section 3.5 (d) of the Guide to consider whether there is
8 any reason for me to recuse myself from consideration of
9 this appeal.

10 I have concluded that I do not have any views
11 that are or would appear to be fixed concerning the
12 issue, and I am fully able to give an open and fair
13 consideration to this appeal. For the record, I have
14 considered the matter and believe I can fully, fairly and
15 impartially fulfill my role as Council member on this
16 appeal.

17 THE CHAIRMAN: Thank you, Dr. Clary.

18 FROM THE FLOOR: Jim Lake, NFPA, staff liaison
19 for the Automatic Sprinkler Project.

20 FROM THE FLOOR: Tim Hawthorne, NFPA staff.

21 MR. JOSHUA ELVOVE: Good morning, everyone. I
22 am Josh Elvove with the U.S. General Services
23 Administration. I am the maker of the proposal, a

1 comment, and a certified amending motion to pretty much
2 do the same thing. So I guess you can say this is pretty
3 much my fourth attempt. I know you only get three
4 strikes, and this is my fourth attempt to try to convey
5 to NFPA and this body for the first time what I believe
6 is a conflict between two standards that need to be
7 resolved in some manner. I'm coming here to present it
8 such that you accept basically the three motions I've
9 made in the past, but will certainly give deference to
10 the Council's decision.

11 My concern is that there is a conflict between
12 two NFPA standards that affects building owners. And
13 GSA, being one of the largest building owners in the
14 country, we could be affected. As you saw from the
15 package, when I pointed out that NFPA 72 has a
16 requirement for testing fire safety functions of which
17 smoke dampers are one in accordance with the initiating
18 device that actuates it. So generally duct smoke
19 detectors are the device that would actuate, send a
20 signal to a smoke damper, accommodation fire smoke damper
21 to operate.

22 NFPA 72 and Chapter 10 which, by the way, I am
23 a member of the committee, does require that test to be

1 conducted annually. My concern is that NFPA 105 is the
2 Standard on Smoke Door Assemblies and Protective Smoke
3 Openings, and in that standard under 652 there's a
4 requirement to test that device on a four-year cycle and
5 an exception for hospitals up to six-year cycles. What
6 we have, in my opinion, is a conflict between two
7 standards that needs to be resolved. I attempted to do
8 that.

9 I submitted proposals through the NFPA 105
10 process and the 72 process simultaneously which were both
11 on the same cycle, so I was fortunate enough to be able
12 to do that. Ultimately, in the NFPA on the floor in
13 Chicago I was successful, in my opinion, in resolving a
14 part of the conflict in getting the assembly to approve
15 and then the Technical Committee thereafter to approve my
16 certified amending motion which basically indicated that
17 the mandatory requirement in 105 for testing dampers in
18 conjunction with 72 was no longer a mandatory
19 requirement. It made it an optional requirement.

20 So in 105 you have the requirement basically to
21 test the dampers per manufacturer's requirements or on
22 the four- or six-year cycle. So I got that piece, I
23 believe, corrected. But it had to go hand in hand with

1 an NFPA 72 correction which I believe the best language
2 was to remove the term "smoke damper operation" from the
3 list of items under Table 10-422, Test Methods Fire
4 Safety Functions. And by eliminating smoke damper
5 operations, it was my opinion that now the fire safety
6 function of dampers would no longer need to be tested in
7 conjunction with duct smoke detectors and would defer to
8 105.

9 105, to me, the Standard on Smoke Dampers, has
10 basically a line for testing, should be, even though as
11 much as I like to say I'm on 72, should be responsible
12 for fire safety functions and operations, but there are
13 some fire safety functions that do come under the
14 jurisdiction of other NFPA standards. For 72 to dictate
15 the testing frequency of a device that's under another
16 purview, another standard like 105, I think is the
17 conflict.

18 So basically my question to you is which
19 standard governs. I believe the way it's written now,
20 the way the floor vote would be that smoke damper would
21 need to be tested annually because it's tied into a duct
22 smoke detector or when it's tied into a duct smoke
23 detector, and, therefore, basically obviates the

1 technical requirements of NFPA 105.

2 But I think there may be a bigger issue here.
3 I'm going to point this to your attention, and this may
4 enter into your deliberations. The scope of NFPA 72
5 doesn't really address fire safety functions. I took
6 some excerpts, I looked at basically the scope of NFPA 2,
7 sorry, NFPA 72 and the various chapters that deal with
8 fire safety functions. That may be Chapter 1 and Chapter
9 4, Chapter 6 and Chapter 10, and I don't see anything in
10 the actual committee scopes or the application in the
11 chapters that even addresses fire safety functions.
12 Granted, we know it didn't go to fire for fire alarm
13 systems, and I can't see that we don't deal without them,
14 but I don't see them specifically addressed inside the
15 standard. So that's something the TCC may want to look
16 into it or the Council itself.

17 Also, the definition of fire safety function.
18 There really is one there, but is it really clear? Is
19 the fire safety function -- Where does the fire alarm
20 system, the fire safety function stop? I basically have
21 three scenarios here. You've got your duct smoke
22 detector inputting into your fire control panel. Your
23 fire alarm control panel sends a signal to your fire

1 alarm auxiliary relay. That's typically what's installed
2 by the fire alarm contractor. That's what's required to
3 be supervised by Chapter 6. Is that the end of it all,
4 is that the fire safety function? Then you've got the
5 emergency control circuit that typically interfaces with
6 the device, the appliance. Does the fire safety function
7 stop there? Then you go to the actual appliance itself
8 which in this case is the smoke damper. It could easily
9 be the elevator recall, it could easily be the HVAC
10 shutdown. So, if that's clear to some, it's not clear
11 necessarily to me or other users of the code.

12 So we need to talk about fire safety function.
13 Are we talking about end to end? Obviously, from a fire
14 protection we can go even further through a commissioning
15 point of view. We do want to make sure that device on
16 the far end does work when the detection device or
17 initiating device actually performs. But I guess the
18 question is where does 72 basically say this stuff starts
19 and where does it end, and the same thing with Chapter 6
20 with monitoring that device, down to Chapter 10 which
21 says testing that device.

22 Some concern here about a possible double
23 standard. In a true 72 system, in a true new building

1 where I'm going to install, say, low voltage duct smoke
2 detection system that is going to be connected ultimately
3 to a damper that shuts down, sure, that damper needs to
4 shut down to make the system whole. But I've got systems
5 out there, I may be installing AC type systems, maybe 120
6 volt AC systems that's going to in this case hook into
7 the smoke damper. Well, that duct smoke detector may not
8 even be part of an NFPA 72 system, and, therefore, that
9 damper doesn't have to close. So now you've got a set of
10 dampers that are a 72 system, low voltage system, would
11 be required by Chapter 10 to be tested and shut down, but
12 then that damper doesn't shut down. So the bottom line
13 is the damper got tested. And I feel 105 covers that.
14 105 gives you the opportunity to test that damper
15 regardless of how you hook it up. So that would cover
16 the scenario where you don't have a through end to end
17 through 72.

18 The other concern I have is that the testing
19 frequency of the damper or any fire safety device now
20 becomes basically dependent on the Chapter 10 committee's
21 frequency for testing the initiating test. Right now, as
22 I mentioned, it's annual. Should that device be tested
23 at 72 to come up with some technical rationale to make

1 the testing cycle, say, semiannually or even quarterly or
2 even monthly, the fire safety device at that point
3 because of the Line 72 would then have to be tested the
4 same frequency. So now you can potentially increase the
5 frequency of the device from annually to semiannually to
6 quarterly based on the detector. I want to test the
7 detector more times, therefore, because it's tied into
8 something else I have to test it as many times. I feel
9 that's not appropriate.

10 Finally, I guess that there is language in NFPA
11 Chapter 6 that talks about testing devices and the
12 connection between the fire alarm system, HVAC systems
13 per the applicable NFPA standard. We already have
14 precedent language in Chapter 6 that says the connections
15 and testing of interface device, remind you here, are in
16 accordance with the applicable NFPA standard. That's
17 kind of where I'm going with this.

18 I think that language should be appropriate for
19 the fire safety device. If there's an NFPA standard out
20 there that addresses a fire safety device, however we
21 define that, it should be tested for that interface
22 standard that governs it. And in the case where 72
23 governs such as, say, elevator recall, well, it's already

1 built into 72. But where it actually extends beyond 72,
2 it should defer to that NFPA standard.

3 I guess that's what I was going to say. The
4 vote on the floor, for what it matters, it was 66 to 50.
5 So nine people, had they been swayed differently, could
6 have changed the vote, it could have gone to the
7 committee, could have been balloted, they could have
8 given you some technical reasons. Because it failed, we
9 don't really have any technical reason to support it.

10 My concern again is in the three times or the
11 two times I served it up to the technical committee,
12 Chapter 10, they did not address the conflict. They
13 rejected it outright in the proposal stage, saying they
14 felt that the end to end testing was required, but did
15 not acknowledge the conflict which I raised here today
16 and raised to them before.

17 In the second time I approached this during the
18 comment stage, they did take an action, they have an
19 accept in principle, but I want to say that action to me
20 did not accept my comment in principle because that's not
21 what I asked them to do. I asked them to resolve the
22 conflict, not create an annex note. Now, mind you, and I
23 said this during the testimony, the annex note isn't bad,

1 may be better than not bad, but has nothing to do with
2 what I asked them to do. In my opinion, it was actually
3 out of order and actually added new material to the code
4 without any review. As much I as I don't mind it, I
5 would just as soon see it out if that was out of order
6 because, again, I think the technical committee took an
7 action on my comment that had nothing to do with my
8 comment, so I feel that was unjust. That concludes my
9 comments, and I would be happy to entertain any comments.

10 THE CHAIRMAN: Is anyone speaking on the other
11 side of this issue?

12 Mr. Schifiliti, if you'll come down to the end
13 of the table and again introduce yourself quickly for the
14 record.

15 MR. BOB SCHIFILITI: My name is Bob Schifiliti,
16 I chair the Technical Correlating Committee for
17 Signalling Systems for the Protection of Life and
18 Property. I have been asked by the Correlating Committee
19 after a telephone conference to come in support of the
20 technical committee which rejected these actions at the
21 proposal and comment stage and also to ask your support
22 of the membership which voted to reject the certified
23 amending motion.

1 Mr. Elvove is correct, there is definitely some
2 work to be done in NFPA 72 regarding correlation with
3 other systems and the proper way to test them.

4 Unfortunately, his comment doesn't address that specific
5 issue. What it does do in the test requirement in the
6 frequency part there is a parenthetical statement which
7 says Fire Safety Functions (e.g., smoke dampers, and then
8 there's a short list, and then it says "et cetera." And
9 e.g. is that is, which would lead you to say they're
10 making a list of requirements, but then they put "et
11 cetera" in there which says, gee, and other fire safety
12 functions.

13 So the removal of the term smoke damper from
14 that list doesn't necessarily remove the requirement that
15 this smoke damper is still a fire safety function and
16 that that test would have to be annually. So,
17 unfortunately, his comment doesn't necessarily fix the
18 problem he's trying to address. It also does delete an
19 annex text which was added by the committee, as he
20 stated, in the comment stage, and, quite frankly, it's
21 good annex text and has again nothing to do with his
22 particular issue with the correlation of testing
23 frequencies. It merely says that if a device fails, it

1 may or may not be the fire alarm system that failed, it
2 may be the device that failed. That has nothing to do
3 with the test frequency requirement.

4 So, again, we are just asking you to support
5 the existing committee action and the floor action.

6 THE CHAIRMAN: Thank you. I will now open it
7 up to questions from the members of Council.

8 Mr. Gerdes.

9 MR. GERDES: Joshua, are you aware of any other
10 NFPA standard that might address the testing of dampers
11 such as 80 or 99?

12 MR. ELVOVE: 80 addresses fire dampers which
13 aren't typically electrically connected to fire alarm
14 systems, so that's why I'm not going with 80. 105 which
15 addresses smoke dampers and combination fire smoke
16 dampers which are both typically connected to a fire
17 alarm system.

18 MR. GERDES: Could either one of you gentleman
19 explain how you would test the smoke detector and not
20 test the damper at the same time?

21 MR. ELVOVE: Well, there's new smoke dampers
22 out there, and correct me if I am wrong, that you can
23 actually test, with a button system you can test the

1 actuator and have the actuator operate without actually
2 using the duct smoke detector. As a building owner,
3 sometimes maybe if you don't want to disrupt your
4 occupants, if your fire setups allow you to alarm devices
5 or connected to the fire service, you don't want to
6 disable that, you can go right to the device, right to
7 the damper and initiate a button, and that should close
8 the actuator, initiate the actuator to close the blades,
9 then you've got your simulated.

10 MR. GERDES: If you're testing the duct
11 detector, for example, how would you prevent the damper
12 from operating.

13 MR. ELVOVE: They have bypass capability where
14 you can actually bypass that function output. No
15 different than elevator recall or turning on your smoke
16 control system. You can do that. A lot of times as
17 building owners we do that all the time. We don't want
18 to have all these systems operating, especially in health
19 care. I used to come out of the VA. Rather than be
20 disruptive, you would bypass that, and, therefore, you
21 don't even test it. You test your duct smoke detector
22 annually as you're required so you get the testing
23 initiating device which 72 requires you to do, but you

1 end up potentially bypassing the output because of
2 disruption. The thing in health care, the reason in 105
3 they went from four years to six years, I was in health
4 care during that time, was because of disruption to the
5 patient care. The idea was we don't want to disrupt the
6 air flow in our very clean environments. Any time we had
7 to close those blades for those smoke dampers is very
8 disruptive, so the health care industry was keen on
9 having that six-year test. So that is what is happening.
10 They're not doing it, yet they're in violation of 72 by
11 not doing it.

12 THE CHAIRMAN: Mr. Schifiliti, do you have a
13 comment on Mr. Gerdes's question?

14 MR. SCHIFILITI: It's another fine line there
15 in that we haven't told the whole truth. I'm not arguing
16 against Josh in this case, I'm supporting him.

17 We can test that smoke detector without
18 initiating the damper, but now we haven't tested the fire
19 safety function of the control unit which is the relay
20 output. You can test that relay output also without
21 actuating damper, but now we're getting into a more
22 difficult test. Do we also have to test the circuit
23 which takes it from the fire alarm panel to the damper?

1 Now it's more even difficult of a test. That's where 72
2 right now has not defined a good test method. I have to
3 be honest with you.

4 MR. ELVOVE: I think that's an echo, if I may,
5 of where the fire safety function is. The fire alarm
6 system is installed typically up to the fire alarm relay.
7 That is where the fire alarm contractor stops. He's got
8 his fire alarm control panel connected to his (inaudible)
9 panel physically wired together, and that's where he
10 stops. Then you've got your mechanical contractor
11 potentially whose got his smoke damper and the relay or
12 they call it the control circuit attached to that damper.
13 That's his wiring up. And then you've got this. Who
14 puts them together? That's where ultimately I think NFPA
15 3 and the commissioning will ultimately take care of
16 this. But I think 3 has got it all licked, but at this
17 point, I think that's the point, who connects those two
18 wires together and where does the fire safety function
19 start and stop.

20 THE CHAIRMAN: Additional questions from
21 Council members?

22 I guess I have one. Can you help me understand
23 in NFPA 105 when it talks about testing the damper, is

1 that test simply closing the damper or are there -- I may
2 be asking you guys something, I realize neither one of
3 you are here representing 105. But I'm really saying
4 when I have to test that smoke damper, are there other
5 things that you have to do to it besides simply closing
6 the shutters?

7 MR. ELVOVE: I'll try to speak to that because
8 I had a proposal into NFPA 105 and learned a lot about
9 the process. 652 just says testing the damper. Doesn't
10 say what. There's no annex note. So you really have to
11 default to what the manufacturer says a damper test is.
12 And what they do a physical look-see to make sure it's
13 square in the opening and also make sure that the link is
14 replaced, if there's a link element there. At that point
15 you're doing a full scale closure.

16 The concern the folks in 105 had about this
17 particular requirement, those who voted negative, were
18 worried about the actuators. There has been some
19 problems with damper actuators in the past. They were
20 concerned by removing the mandatory requirement tied into
21 72, the actuator would no longer be tested. And they
22 recommend, many manufacturers recommend that the actuator
23 get tested annually because that's the piece that can

1 actually fail, so there's terms about cycling the
2 actuator.

3 Basically, there's a line 6.5, 6-5, which is
4 the piece, if you looked at my proposal in 105, it was to
5 basically accept an identifiable part. I had originally
6 deleted the piece on manufacturer recommendation.

7 There's a thing that says you will still have to test the
8 dampers in accordance with the manufacturer. Russkin
9 says you do it this way. Greenheck says you do it this
10 way. That requirement is still in there. If you have a
11 manufacturer, an actuator manufacturer that says I don't
12 need you to test my actuator or anything special, then
13 there's nothing to do. Before, with the language
14 mandatory to 72, you were making manufacturers test their
15 dampers more so than they had to do.

16 THE CHAIRMAN: Thank you.

17 Additional questions?

18 MR. GERDES: As I understand it, Joshua, you
19 had parallel proposals, NITMAMS into the 72 committee and
20 the 105 committee going on at the same time, and through
21 the normal process you didn't have any success. With the
22 NITMAMS at 105, you got the floor vote in your favor. So
23 I'm not so sure that the two committees understood what

1 was going on between them, or is that, would that be a
2 fair statement? Maybe the 72 committee didn't understand
3 what was going on in 105?

4 MR. ELVOVE: If I may be so bold, I don't think
5 it's a question they didn't understand. I think it's a
6 question of what they chose to do. The 72 committee
7 feels that the end to end test needs to be done
8 regardless of what 105 does.

9 I think that if you can say there may not have
10 been a conflict prior to going in, I point out the fact
11 you had a single requirement test annually and then 105
12 you had the four-year requirement or six-year
13 requirement, but then it points you to 72. This is
14 originally 105 had the four- and six-year requirement,
15 but then had this line you have to test to 72. 105 had
16 the problem before. Because they were saying two things.
17 Because they were saying annual and four years at the
18 same time, without delineating what you did on each
19 cycle. On the floor vote, 105 basically fixed what I
20 believe was a conflict and said, you know, we want you to
21 stay with the four- and six-year requirement which is in
22 our scope, we don't need you to do the annual so much
23 anymore. But to make this whole, you had to get the 72

1 piece done.

2 I think by having 105 correct this, in my
3 opinion, and have 72 leave it, now you have truly a
4 conflict between the standards where 105 says you will
5 test my damper however you test it four years and 72
6 says, no, no, you're going to test it annually because
7 you have to test it with the duct smoke. Now I think
8 there's truly a conflict.

9 I pointed this out, by the way, in my comment.
10 I did say I would like to see the Standards Council look
11 into this because, in fairness to Bob, and we did try to
12 have a conversation between the 105 and 72 folks who were
13 interested in this, we had a dialog in mid-cycle, we
14 never got a resolution. I think the 105 folks took it to
15 heart.

16 If you look at the comment that 105 made on my
17 second proposal there, my comment there, they did take an
18 action, not quite the right action, but they took an
19 action. 72 took an action, as Bob said, but had nothing
20 to do with the conflict. They accepted my comment in
21 principle, but they never actually addressed the conflict
22 and never in their comments say anything about the
23 conflict. I think that truly does exist.

1 I think something needs to be done. Whether
2 this word smoke damper operation, I'll admit, if that is
3 not the best fix and there needs to be another fix, so be
4 it, let's do it. But something has to be done because
5 right now the public has two directions and they really
6 don't know what to do with this. It's really big in
7 health care if the Joint Commission is going to
8 potentially apply the annual requirement for duct smoke
9 detectors on damper testing and then get here, it says
10 you test them every four years. The Joint Commission
11 standard says every four years. That's their problem, I
12 recognize, but it's out there.

13 THE CHAIRMAN: Additional questions?

14 MR. HUGGINS: Joshua, just to touch back upon
15 105 and the interface with 72. You had mentioned that
16 105 addressed the mechanical side. I didn't hear
17 anything on the total link such as from the panel down to
18 the duct smoke detector and the damper. You know, where
19 do you see that side being tested? Right now it's just
20 the mechanical actuation of the damper. But what about
21 the link up to the panel?

22 MR. ELVOVE: Let me just, if I may, I'll read
23 you what 105 said. It used to say under 655 the damper

1 shall be actuated in cycle as part of the associated
2 smoke detector test in accordance with 72. It used to
3 that say that, you shall do that. So in a sense they
4 were in harmony, 72 and 105, but 105 had its conflict
5 because it said in the paragraph earlier each damper
6 shall be tested and inspected one year after
7 installation. The test and inspection frequency shall
8 then be every four years, except in hospitals. So 105
9 had the problem.

10 The change that was made and the assembly voted
11 on and was voted by the TCF was they took the damper
12 shall be actuated in cycle as part of the associated
13 smoke detector testing and put that in the annex and said
14 the detector may be actuated. In other words, the
15 electrical piece can be done in conjunction with 72, but
16 it's not part of the actual 105 requirement. The 105
17 requirement is you will test that damper as per
18 manufacturer requirements and then no later than
19 four years.

20 How you do that 105 doesn't specify. If you
21 want to push a button, you want to drop the link, if you
22 want to do it in conjunction with 72 as an option, 105
23 says any way you want to do it, but you've got to do it.

1 That way you verify those dampers close, the actuator
2 works.

3 THE CHAIRMAN: Dr. Clary.

4 DR. CLARY: Josh, how do you address the
5 concerns that the Chapter 10 Technical Committee may have
6 that they want to be certain that when the fire alarm
7 system goes off and if the duct detector is tripped, it's
8 going to actually, the whole thing is going to work all
9 the way, it's going to close the damper? I think that
10 possibly could be their concerns.

11 If they were to have accepted your proposal,
12 your comment, how is that concern addressed that, indeed,
13 if down the line at some point an event transpires that
14 protects your premise and the duct detector in question
15 is tripped by products of combustion and that damper has
16 to close, that that damper is going to actually close?

17 MR. ELVOVE: Well, if you choose to, that could
18 be a hole. If you choose to use the may option that 105
19 now gives you, you can certainly do the end to end
20 testing. If you push the button directly at the damper,
21 there's no question that you will not have verified the
22 electrical circuitry between the fire alarm relay and the
23 control unit.

1 As a building owner, there's no question I want
2 the function to perform. That's why I was saying I
3 believe that NFPA 3 will ultimately cover that because
4 NFPA 3 is going to cover the end to end testing, although
5 we're not quite there yet. So by removing those terms,
6 you lose the ability to make that test and, therefore,
7 you can never validate your smoke dampers are performing.
8 I recognize that as a risk.

9 But I guess I'm here to figure out how as a
10 building owner should I do this. Should I be testing it
11 for 105 every four years or should I be testing it for 72
12 on the annual basis based on the duct smoke detector.
13 I'm looking for who's responsible for what. If 72 is
14 responsible -- If 105 is responsible for the damper
15 operation, and I would assume they would want their
16 damper tested when the initiating device operates as
17 well, then it should state so, and 105 should state you
18 need to test this once a year.

19 As a building owner, I feel dampers are fairly
20 reliable. I don't think we need to test as frequently as
21 annually, but I'll defer to you 105 because you're the
22 technical committee, you're the expert. If you want to
23 state your dampers need to be tested annually, then say

1 that, and then 72 and 105 are in harmony. But apparently
2 they like the four- and six-year requirement as well.
3 They don't distinguish between the two. So it could be a
4 105 issue here.

5 My point is this is why I'm here at the
6 Standards Council. I want you to look at the language
7 and come back with some better way. If my language
8 doesn't work, I defer to yours, but I think that needs to
9 be addressed. Some direction needs to be made to one or
10 both committees to fix that so it's in harmony.

11 THE CHAIRMAN: Mr. Bell.

12 MR. BELL: I think Mr. Elvove has raised a
13 question a couple of times that new annex material
14 introduced in the ROC really wasn't relating to his
15 comment. Could you provide some additional background
16 for the committee's rationale for introducing that annex
17 material and how that relates to his comment?

18 MR. SCHIFILITI: I have no idea why they added
19 that annex material.

20 Lee, Do you have anything?

21 MR. LEE RICHARDSON: (NFPA staff) I don't have
22 any good reason. It really doesn't address the concern.
23 It doesn't address the concern, and we missed it on the

1 correlation committee as far as, you know, accepting in
2 principle which it really shouldn't have done because it
3 didn't address it. So I agree with that.

4 I think there was some language they just felt
5 they wanted to add further explanation in the whole
6 testing scheme to make sure that impairments were
7 actually taken care of because that's the subject that it
8 addresses.

9 THE CHAIRMAN: Mr. Elvove, did you want to
10 respond to that?

11 MR. ELVOVE: Only because I was there when that
12 came up. Basically, we kind of tabled the issue, came
13 back later on during the committee to come up with some
14 language. I addressed the issue. Somebody wrote this
15 basically during that tabling session to put this into
16 the code. This was something that one member
17 particularly, maybe a few members, really thought was
18 good, needed it, they were worried about the liability of
19 fire alarm contractors making sure that they weren't
20 necessarily liable for a fire safety function going awry
21 during their test. Now we're doing the end to end
22 testing, and the damper doesn't work, the fire alarm guy
23 goes it's not necessarily my issue. This was something

1 to kind of protect the interest there.

2 It's not bad language. I had no objection to
3 the language per se provided they did more to it and
4 addressed the comment. But they did not. I think it's
5 new material and really out of order and shouldn't be
6 there.

7 THE CHAIRMAN: Mr. Schifiliti, do you want to
8 comment on the same question?

9 MR. SCHIFILITI: No.

10 THE CHAIRMAN: Dr. Milke, please.

11 DR. MILKE: Question for Mr. Schifiliti. The
12 end to end testing that we're talking about here, does
13 that apply to any fire safety function, smoke control
14 fan, or would that be part of a fire alarm test,
15 basically?

16 MR. SCHIFILITI: The way it is written right
17 now, yes.

18 THE CHAIRMAN: Mr. Elvove, I have just a
19 question. Mr. Schifiliti commented about the removal of
20 the words may not resolve the conflict. I'm just
21 interested sort of in your perspective on whether there
22 are still people that will read this and say it still has
23 to be done or sort of. As a building owner, what

1 position does that put you in?

2 MR. ELVOVE: Bob is right. That's what, my
3 mistake was to keep going with the same language. The
4 reason why I did it was because I didn't get any guidance
5 from the technical committee to tell me my words were
6 incorrect. I kind of feel like I was blind-sided there.
7 I went in there and said this to me during the proposal
8 stage was the best approach. I wish I had Bob's judgment
9 and recognized it was just a list and et cetera.

10 Now looking at this, it says that really may
11 not fix it, like you say, Mr. Chair. Some might say it's
12 a list and the et cetera may cover it. So I'm here to
13 tell you maybe that language isn't the best. If that's
14 the only avenue I have, you probably have the right to
15 turn this down. But my point is there's a conflict there
16 and somehow that needs to be resolved. I wish the
17 technical committee told me that the language I used was
18 inappropriate, and I could have come back to the comment
19 stage with some better language, but I was not given that
20 and I did not look that further to do that.

21 So if you accept it, I'm not sure what actions
22 you can actually take here. But if you were to basically
23 accept that what I'm proposing, to delete those three

1 terms, in truth I can't speak a hundred percent whether
2 that will actually obviate the requirement.

3 THE CHAIRMAN: Thank you. Any final questions?

4 Very quickly, you know, five minutes apiece if
5 you've got any final comments. Please, I'll say this to
6 everyone, if you have already covered all the issues,
7 don't feel compelled to have to use the five minutes if
8 you don't, but it's really an opportunity for you to kind
9 of wrap up your position.

10 Josh.

11 MR. ELVOVE: I think I have said everything I
12 need to say. I guess, having never presented to the
13 Council, I'm not actually even sure what actions you can
14 take on this, whether it's basically all or nothing like
15 it is on the floor vote, whether you accept or whether
16 there's something that can come from this. I would like
17 some sort of action that's taken, whether it's immediate
18 or whether it's subsequent to this meeting, that directs
19 72 and 105 to get together and do something so this
20 conflict does go away, if you perceive it's a conflict.
21 If you don't perceive it's a conflict, tell me so. But I
22 think there's a conflict, I think some action needs to be
23 taken formally by this group.

1 I appreciate, Bob, as chairman of the TCC when
2 I raised this comment at the proposal comment stage, to
3 kind of facilitate, we did have some conversations
4 between 105 and 72. It did not turn into much. I think
5 105 took a little bit more of a lead, understood, even
6 during the comment stage took some actions. You can say
7 that the 72 Chapter 10 took some comments, but there was
8 completely not dealing with the issue.

9 So whatever action you take, I hope there's
10 something that addresses that conflict. If not now, I
11 would like to see if there's a guidance about a TIA, I
12 would be happy to initiate a TIA, if I can get some
13 guidance from the Council to go that way, too. Just
14 something to kind of resolve that conflict. That's all.
15 Thanks.

16 THE CHAIRMAN: Mr. Schifiliti.

17 MR. SCHIFILITI: There certainly is room for
18 improvement here. Again, whether this rises to the level
19 of a TIA or not, that may be the better approach, if
20 someone on the committee agrees with him and they can
21 start the TIA process more broadly for all fire safety
22 functions, not just for smoke dampers.

23 Certainly, I have my own opinion about how to

1 make this solution work and resolve the conflicts, but I
2 think I would leave that to the committee to do. If it
3 rises to the level of TIA, then they'll start that
4 process and get it going.

5 THE CHAIRMAN: Thank you. With that, we will
6 bring this particular item to a close. I do want to
7 thank both of you for being here today for your
8 participation in the NFPA process.

9 We will remind everyone that the Council will
10 arrive at a decision on this issue. It will issue a
11 written decision only through the secretary of the
12 Council. No member of the Council nor NFPA staff is
13 permitted to release any information related to that
14 decision. The written decision will be the only response
15 that will come on this issue.

16 So, again, Josh, thank you for coming today,
17 and we appreciate the time that you have taken.

18 We will move directly into the next hearing.
19 This is Item 09-8-5-a-1, again dealing with NFPA 72 and
20 certified amendment motion 72-8.

21 Are there any comments from Council members at
22 this point?

23 DR. CLARY: For the record, I'm recusing myself

1 on this agenda item. I will not participate as a member
2 of the Standards Council in the hearing, deliberations or
3 voting on this matter.

4 THE CHAIRMAN: Mr. Bell.

5 MR. BELL: I would like to note for the record
6 that I am an employee of Underwriters Laboratory. I
7 have, therefore, reviewed my obligations under the Guide
8 For Conduct of Participants in the NFPA Process to
9 consider whether there is any reason for me to recuse
10 myself from consideration of this appeal.

11 I have concluded I do not have any views that
12 are or would appear to be fixed concerning the issues. I
13 am fully able to give an open and fair consideration to
14 this appeal. For the record, therefore, I have
15 considered the matter and believe I can fully and fairly
16 and impartially fulfill my role as Council member on this
17 appeal.

18 THE CHAIRMAN: Thank you.

19 I'm also going to ask anyone that was not here
20 when we did introductions at the first hearing, I would
21 ask you to introduce yourself for the record, please.

22 FLOOR: Chris Coache, NFPA staff.

23 FLOOR: Paul Choiniere, NFPA staff.

1 THE CHAIRMAN: Did that cover everybody?

2 Mr. Hill, Mr. McNamara, you're both speaking in
3 favor of the appeal?

4 Is there anyone speaking on the other side of
5 this issue? Very good.

6 I'm going to give you ten minutes, if you
7 would, to state what you would like to the Council, and
8 then we'll go into questions from Council. I would
9 remind you to preface your remarks with your name so we
10 make sure we capture it and accurately on the record.

11 MR. BOB HILL: Good morning. My name is Bob
12 Hill, representing the Automatic Fire Alarm Association.
13 I'm also an alternate member to NFPA 72, Chapters 1
14 through 4.

15 Chapter 441, 4.4.7.1.16 states that the fault
16 or failure of one notification appliance circuit shall
17 not affect the operation of any other. We comply with
18 this in DC circuit with strobes and electronic horns.
19 However, with voice evacuation systems manufacturers do
20 not comply with this. Once the circuit is activated,
21 there is no more supervision of that circuit.

22 The problem lies, if I can do a quick synopsis
23 of this, let's say on the 29th floor there is a fire in a

1 custodial closet, fast growing fire, and through that
2 space run the notification appliance circuits for that
3 floor. Within a few minutes the installation is burned,
4 the conductors are shorted together on the voice circuit.
5 Now, depending on where this short circuit occurs on the
6 floor will depend on how much this fault degrades the
7 rest of the voice evacuation system on that floor or
8 throughout the building. Keep in mind that the circuit
9 is not supervised, so the control panel does not know
10 that this short circuit has occurred and the circuit
11 remains operating. This short circuit will degrade to
12 some extent the voice circuit on that floor, and,
13 depending how close it is to the audio riser in the
14 building, can degrade the voice evacuation and even
15 render the entire system inoperable in the building,
16 particularly if we have a bulk amplifier type system
17 where we have one amplifier providing all the audio
18 evacuation throughout the building. In the case where
19 there are distributed amplifiers, we will lose one, two
20 or three floors or degrade the operation of the systems
21 on those three floors.

22 During the proposal and the comment stage at
23 the committee level the opposition to this was that the

1 4.4.7.1.16 already states that the failure of one circuit
2 shall not affect the operation of any other. We
3 continued with this through the comment stages saying
4 this needed to be clarified, that it was both before it
5 was activated in a supervisory mode or inactive state as
6 well as in the active state, just like a DC horn or light
7 circuit. We hope that you will look at this very
8 carefully as we there can be some serious problems we
9 feel from this.

10 MR. JACK MCNAMARA: My name is Jack McNamara.
11 I am a technical committee member on Fundamentals. I am
12 an alternate on the TCC. I am also on Underwriter
13 Laboratories Standard Technical Panels for UL 864 and
14 464. 864 is for control panels and audio systems and 464
15 is for notification appliances and speakers are also
16 included in there.

17 UL's interpretation of the technical panel's
18 interpretation of NFPA 72 is that an open ground or a
19 short must be detected before the circuit is operating.
20 Not after it's operating. In the latest edition of UL
21 864, short circuit detection was added to DC circuits
22 because of undue surges from strobes were causing some
23 circuits to shut down or power supplies to shut down. So

1 that protection was added with the 9th edition which I
2 think became effective this January. So there really is
3 no detection afterwards.

4 There is some confusion because it talks about
5 circuits when you go into talking about 4.4.17.1 and then
6 the next section starts speakers, amplifiers and which
7 seem to be treated separately. So there is confusion as
8 to whether or not it's in there or not in there. I know
9 it was a fairly close vote in the technical committee on
10 this issue as to whether it was of concern or not of
11 concern. So I would hope that you would see it as a
12 concern and act.

13 THE CHAIRMAN: No one else is speaking on the
14 issue? I want to make sure. I'll open it up to
15 questions from members of Council.

16 Mr. Schifiliti, would you like to say
17 something, please?

18 MR. SCHIFILITI: I did want to speak in favor
19 of the motion. Previously you had asked if anyone wanted
20 to speak in opposition to the motion. This passed the
21 technical correlating committee ballot, it passed the
22 membership vote, but it did not pass the technical
23 committee ballot after the certified amending motion

1 which is why the appellants are here to state their case
2 again to give weight to that.

3 The technical committee when balloted as well
4 as during the proposal and comment stage stated that we
5 already said what we intended and this is what we intend.
6 During a telephone conference with the correlating
7 committee after this membership vote, members of UL said,
8 quite frankly, we interpret it differently than what the
9 technical committee is saying they intend, which is why
10 we feel this motion is necessary. So even though the
11 technical committee said we don't need it because we
12 already said it, we have confirmation that Underwriters
13 has interpreted it differently than what the technical
14 committee intends. So that's why we want to support
15 that.

16 The current paragraph as cited by the committee
17 does not cover all of the problem. It's the issue of the
18 before and after as stated by the appellants. Quite
19 frankly, it is a problem and it has occurred, including
20 the Cook County fire out in Chicago where circuits failed
21 during the fire, yet voice announcements are continuing
22 and fire to ground operations have no idea that they are
23 not actually talking to the occupants of the building

1 because the circuits have failed.

2 So it is a life safety issue, and we would like
3 to add that clarification to the code. It doesn't change
4 the technical committee's position. They state they
5 already intend this. All it's doing is providing
6 clarification to the testing laboratories.

7 THE CHAIRMAN: Thank you.

8 I'll open it up to questions from the Council.
9 Mr. Bell.

10 MR. BELL: This is a question to Mr. McNamara.
11 I think you mentioned you're a member of the STP?

12 MR. MCNAMARA: Yes, I'm a member of the STP.

13 MR. BELL: Have you made any proposal to 864?

14 MR. MCNAMARA: No, not at this time. I have
15 not. We have not made a proposal to 864 at this time.

16 THE CHAIRMAN: Additional questions?

17 MR. GERDES: Assuming that there was a failure
18 in the system or maybe the system shut down completely,
19 of what benefit is that knowledge to the fire service or
20 whatever? I mean.

21 MR. MCNAMARA: I think we're trying to prevent
22 a shutdown completely. If it shuts down completely, the
23 fire service may or may not know that it's not working at

1 all because they're standing at the microphone, they're
2 not out on the floors listening for announcements.

3 THE CHAIRMAN: Additional questions?

4 MR. MCNAMARA: May I make one more comment on
5 that?

6 THE CHAIRMAN: On Mr. Gerdes's question?

7 MR. MCNAMARA: Yes. Another thing is, if what
8 we propose goes through, you lose maybe one circuit that
9 has shorted, all the rest of the circuits would stay
10 operational. Whereas, in the current scenario, if after
11 operation the circuit shorts could take out not only that
12 circuit, degrade all the rest, or do harm to the
13 amplifier that is feeding it.

14 MR. GERDES: Thank you.

15 THE CHAIRMAN: Did you want to comment on Mr.
16 Gerdes's question?

17 MR. HILL: Yes, I do. One other comment on
18 that, just to add to what Jack said. If the fire scene
19 commander knows that the 29th floor circuit has failed,
20 the rest of the building is still operating, he then has
21 the knowledge and the capability of sending his staff
22 firefighters up there to physically evacuate that floor
23 or do whatever the command is to that area. At this

1 point, the way it sits now, he does not know that the
2 Floor 29 is not getting any voice announcements. Thank
3 you.

4 THE CHAIRMAN: Mr. Bell.

5 MR. BELL: Question for Mr. Hill or Mr.
6 McNamara. I notice the comment makes reference to voice
7 alarm location appliances circuits. Is there any reason
8 why it's limited only to voice?

9 MR. MCNAMARA: DC alarm circuits are already
10 taken care of through the 9th edition. Through surge
11 current protection would also on a DC circuit shut down
12 that individual circuit and not allow it to cause fault
13 in the system. So DC circuits are already taken care of.
14 The only circuits that aren't taken care of are the
15 speaker circuits.

16 THE CHAIRMAN: I guess, Mr. Schifiliti, I have
17 a question I want to make clear for the record. You're
18 speaking in favor of the appeal on behalf of the
19 discussion the correlating committee had, but there
20 hasn't been a subsequent discussion of the technical
21 committee. Is that correct?

22 MR. SCHIFILITI: That is correct.

23 THE CHAIRMAN: Additional questions?

1 Seeing none, gentlemen, in five minutes any
2 final comments you want to make?

3 MR. MCNAMARA: Not for me. I think I've stated
4 everything as clearly as I possibly can. We appreciate
5 your concern.

6 THE CHAIRMAN: We appreciate the time that you
7 have taken to be here. We appreciate your participation
8 in the NFPA process. Again, with this decision, it will
9 only be issued as a written decision by the Council's
10 secretary. No member of the staff or member of the
11 Council is permitted to discuss that decision, and the
12 written decision will be the response from the Council on
13 that issue. So, again, thank you for participating.

14 We will move directly into the next hearing
15 which is 09-8-1-c. I believe those folks will be coming
16 in. Why don't we go off the record for a moment. We
17 will take a quick five-minute break.

18 (Brief recess)

19 THE CHAIRMAN: We will go back on the record.
20 I'm not going to go around the room and do introductions
21 again. But first thing, if there was anyone who is now
22 in the room that was not here for the first hearings, if
23 you would just introduce yourself quickly for the record.

1 MR. KEN ISMAN: Ken Isman with the National
2 Fire Sprinkler Association.

3 MR. CARL WIEGAND: Carl Wiegand, National Fire
4 Sprinkler Association.

5 MR. DON HOPKINS: Don Hopkins, Hughes
6 Associates.

7 MR. DAVID BURKHART: David Burkhart, Code
8 Consultants.

9 MR. RUSS FLEMING: Russ Fleming, National Fire
10 Sprinkler Association.

11 THE CHAIRMAN: For this item which is 09-8-1-c,
12 are there any statements from Council members?

13 Mr. Gerdes.

14 MR. GERDES: I would like to note for the
15 record I'm a member of the Technical Committee on
16 Sprinkler System Installation Criteria. As a Technical
17 Committee member, I participated in the consideration and
18 voting on issues that appear to be related to this
19 appeal. I have, therefore, reviewed my obligations under
20 the Guide of Conduct for Participants in the NFPA
21 Process, particularly Section 3.5(d) of the Guide to
22 consider whether there's any reason for me to recuse
23 myself from consideration of this appeal.

1 I have concluded that I do not have any views
2 that are or would appear to be fixed concerning the
3 issues. I'm fully able to give open and fair
4 consideration to this appeal. For the record, therefore,
5 I have considered the matter, and I believe that I can
6 fully, fairly and impartially fulfill my role as a
7 Council member on this appeal.

8 THE CHAIRMAN: Mr. Bell.

9 MR. BELL: I would like to note for the record
10 I'm member of the TC on Sprinkler System Installation
11 Criteria. As a TC member, I participated in the
12 consideration and voting on issues that appear to be
13 related to this appeal. I have, therefore, reviewed my
14 obligation understand the Guide For Conduct of
15 Participants in the NFPA Process to consider whether
16 there is any reason for me to recuse myself from
17 consideration of this appeal.

18 I have concluded I do not have any views that
19 are or would appear to be fixed concerning the issues and
20 I am fully able to give open and fair consideration to
21 this appeal. For the record, therefore, I have
22 considered the matter and believe that I can fully and
23 fairly and impartially fulfill my role as a Council

1 member on this appeal.

2 THE CHAIRMAN: Mr. Huggins.

3 I would ask also, if you're going to speak on
4 this issue, if you take your seats at the end of the
5 table while Mr. Huggins is speaking.

6 MR. HUGGINS: I would like to note for the
7 record that I am a member of the Technical Correlating
8 Committee on NFPA 13. As a member, I participated in the
9 consideration and voting on issues that appear to be
10 related to this appeal. I have, therefore, reviewed my
11 obligations under the Guide For Conduct of Participants
12 in the NFPA Process, particularly Section 3.5(d) of the
13 Guide, to consider whether there is any reason for me to
14 recuse myself from consideration of this appeal.

15 I have concluded that I am fully able to give
16 open and fair consideration to this appeal. For the
17 record, therefore, I have considered the matter and
18 believe I can fully, fairly and impartially fulfill my
19 role as a Council member on this appeal.

20 THE CHAIRMAN: Any other comments from Council
21 members? Thank you.

22 Mr. Burkhardt, in this case you're the appellant
23 and will be speaking in favor of the appeal.

1 Mr. Isman, are you speaking in opposition to
2 the appeal?

3 MR. ISMAN: On this we are in favor also.

4 THE CHAIRMAN: Is anyone speaking in opposition
5 to the appeal?

6 So, gentlemen, I would ask you to, give you ten
7 minutes to sort of make your opening statements here to
8 the Council, then we will go into questions from the
9 Council, please.

10 MR. BURKHART: Well, since the National Fire
11 Sprinkler Association is in favor, I'm going to make this
12 short. I was asked not to repeat what I put in my
13 written statement, so I won't do so. Hopefully,
14 everybody has read it and understands what I put forth
15 and I will answer any questions.

16 My intent, my original intent was to clarify
17 and to build upon an item that was already allowed by
18 NFPA 13 for the elimination of sprinklers. We have a
19 situation -- I represent the New York State Office of
20 Mental Health in this particular issue. We have numerous
21 situations where the Office of Mental Health builds their
22 egress in such a fashion that they do exterior stair
23 towers which are remote from the building. They have

1 found great difficulty in the buildings they have
2 sprinklered in maintaining the sprinklers within those
3 stairwells due to the fact they're separated from the
4 building. They had asked that they have some relief
5 based on a cost benefit analysis and the fact that there
6 are sections in the code now which they consider to be a
7 worse case condition which allowed the elimination of
8 sprinklers.

9 THE CHAIRMAN: Any additional comments?

10 MR. DON HOPKINS: I would like to add as well,
11 the only other issue I want to make sure it's understood
12 with these situations it's very costly for them in terms
13 of maintenance and installation. For these they end up
14 putting dry systems in just for the stair which is a very
15 challenging situation for them to maintain and install
16 these two sprinklers in each stair tower that are remote
17 from the building.

18 THE CHAIRMAN: Thank you.

19 MR. KEN ISMAN: I'm with the National Fire
20 Sprinkler Association.

21 Upon listening to Dave's arguments and upon
22 further reflection, we agree that he's got a legitimate
23 technical issue here. Now I understand the Council isn't

1 really that interested in overturning the technical
2 issues, especially when the record has been so consistent
3 all through the committee.

4 All I can say is from a procedural issue, I
5 think the committee did an injustice to Mr. Burkhart with
6 their substantiations for their rejections in that the
7 committee said basically that regardless of location
8 separation or construction that all stairwells have to be
9 sprinklered. That's actually not correct. NFPA 13
10 actually gives exemption from many of the sprinkler
11 requirements for certain types of construction and for
12 completely separate structures that are considered
13 completely separately.

14 I think the committee did an injustice there in
15 the way that they substantiated their rejections, and it
16 really didn't give Dave enough of information to go back
17 and craft his comments. So I think that had this been
18 handled a little bit differently, it would have
19 eventually come through the standard and not through the
20 Standards Council. But it's unfortunate we have ended up
21 at this step, but here we are.

22 THE CHAIRMAN: No one is speaking in opposition
23 to the appeal? I want to ask that to be clear.

1 I'll open it up at this point to questions from
2 Council members. Mr. Gerdes.

3 MR. GERDES: Could any of you gentlemen talk a
4 little more specific about the cost associated with this
5 protection? And, maybe more specifically, you referred
6 to a cost benefit analysis, could you give me some
7 highlights from that?

8 MR. BURKHART: Basically, the State of New York
9 has a contract, sole source contract, with Simplex
10 Grenell to install the systems, and there is a set cost
11 for any particular type of system that's installed.
12 Typically, the range to install a single sprinkler in a
13 wall is in the order of three to five thousand dollars.

14 MR. GERDES: Could you talk about the benefit?

15 MR. BURKHART: Yeah. We believe there is no
16 benefit. The New York State Office of Mental Health does
17 not allow storage in stairwells. There are limited
18 amounts of sources of ignition within the stairwell,
19 being lighting. Basically, the way that people are moved
20 around in the mental health facility are such that there
21 would be no way that the people would be moved into the
22 stair tower if the fire was actually in the stair tower.

23 So we have a situation where the code does not

1 allow storage within the stairwell. We're all not naive,
2 we know storage occurs within certain stairwells, but I
3 can guarantee the New York State Office of Mental Health
4 does not allow it.

5 The situation is such, though, that, you know,
6 some of the arguments that were made from a technical
7 standpoint when this was voted down after the NITMAM was
8 such that it says, well, you need sprinklers in there
9 because you need to use those stairways as a means of
10 egress. I don't know of any fire that actually occurs
11 within a stairwell that anyone would actually use that
12 particular stair tower as a means of egress.

13 I think I made the statement, so I don't want
14 to repeat myself. If a fire were to occur in a stairwell
15 and the sprinkler were to extinguish the fire in the
16 stairwell, the fire would have been of such a magnitude
17 nobody would want to use that stairwell for egress or
18 could use that stairwell for egress.

19 So the sole purpose of the sprinkler systems,
20 in my opinion, would be to prevent spread of fire
21 throughout the building that occurred in the stairwell.
22 Being the stair tower is separated from the building by a
23 minimum, we calculate, Don and I talked about last night

1 a minimum stairwell, it would probably be a minimum of
2 ten feet based on the way the code section was proposed.
3 So, therefore, we believe it would be highly unlikely
4 that, even forget New York State, any situation that a
5 code would allow of a noncombustible in a closed
6 stairwell that a fire would occur within the stairwell,
7 jump the stairwell, go ten feet and break into a
8 building. So from a cost benefit analysis, we believe
9 the cost is almost zero.

10 THE CHAIRMAN: Mr. Huggins.

11 MR. HUGGINS: Some of the ballots did address
12 the means of egress, but as far as the extent of
13 protection that is required, are we not talking about
14 sprinklers just at the top and bottom?

15 MR. BURKHART: We are talking about a sprinkler
16 at the top and a sprinkler at the bottom which would be
17 two separate dry systems because of having to address
18 them a per floor basis.

19 THE CHAIRMAN: Mr. Jardin.

20 MR. JARDIN: Question to Mr. Isman. I think
21 you commented on the technical committee's response to
22 Mr. Burkhardt's comment being not necessarily accurate in
23 regards to the allowance for exceptions for sprinkling

1 stairs. Could you maybe elaborate or what exceptions or
2 allowances the sprinkler code does currently offer in
3 terms of sprinkler protection in stairs?

4 MR. ISMAN: The committee said we don't base
5 sprinkler requirements on construction. But we do. NFPA
6 13 says if your stairs are made of combustibile
7 construction, you need to sprinkler every floor in the
8 stair tower; but if the stair tower is noncombustible
9 construction, then you put a sprinkler at the top and a
10 sprinkler at the bottom if there's a potential for
11 storage under the last landing.

12 So the amount of sprinklers you put in the
13 stair tower changes based on construction, even though
14 the committee said we don't base our requirements on
15 construction.

16 Then the whole issue of separation. What we're
17 talking about here is a tower that's separated from the
18 rest of the building. When something is built as a
19 separate structure, it's not necessarily evaluated under
20 the building code as a part of the original structure.
21 We do base our sprinkler requirements on separate
22 structures separately. So for the committee to say we
23 ignore separate structures and separation when we base

1 our sprinkler requirements is an incorrect statement.

2 MR. BURKHART: May I make a comment on that?

3 THE CHAIRMAN: Yes.

4 MR. BURKHART: One of the reasons, one of the
5 justifications that I made was the fact that the code now
6 presently allows exterior stair towers not to have
7 sprinklers. And the justification that was made when
8 this was adopted in the particular code said there would
9 be very little hazard involved in exterior stairwells and
10 these stair towers would be self-venting, and a couple of
11 examples were given.

12 Well, I travel through New York City all the
13 time. I see dumpsters outside of fire escapes all the
14 time. You get a dumpster fire under the stairwell, I
15 will guarantee you that fire escape will not be usable.

16 So the justification that was stated, I'm not
17 suggesting we go back and add sprinklers to exterior
18 stair towers, but I believe my situation is much safer
19 than the situation that is already allowed to be exempted
20 by the code.

21 THE CHAIRMAN: Mr. Harrington.

22 MR. HARRINGTON: The proposal as it's written
23 out deals strictly with noncombustible construction. So

1 even though it's a separated stairway, if there was some
2 small aspects of combustible construction, the stairway,
3 as I understand it, would still be required to be
4 totally sprinklered? Is that correct?

5 MR. BURKHART: That's correct.

6 THE CHAIRMAN: Mr. Huggins.

7 MR. HUGGINS: A comment that you made on
8 separation, Ken, are you contending that they're
9 adequately separated to be considered two buildings, so
10 the protection is considered separately?

11 MR. ISMAN: I'm saying the committee made a
12 blanket statement that we never consider separation when
13 we consider sprinkler requirement. I'm saying that is
14 incorrect, that we do sometimes consider separation.

15 THE CHAIRMAN: Additional questions?

16 I guess I'm looking at some of the ballot
17 comments from the committee. I wondered if any of the
18 gentleman would like to comment. One of the negative
19 ballot comments indicated that there are circumstances
20 where it can be admitted but the proposal does not put in
21 any restriction on how small the landing can be, how far
22 the stairwell is from the building, or how many stories
23 high the stairway can be, and goes on to say that without

1 these beliefs that it's too open. Can you comment on
2 that at all as to whether or not it, indeed, introduces
3 those issues if this went in?

4 MR. BURKHART: I can address that. Actually in
5 my written statement I did try to address that.

6 It does not address the height of the building.
7 The limitation is going to be the construction of the
8 building itself and how high a stair tower would be and,
9 of course, cost. But the way it's written, it's talking
10 about that the balcony has to be 50 percent of the
11 perimeter of the stair tower.

12 And Don and I were going over that calculation.
13 We believe that a minimum stair permit would be 40 feet.
14 So to be 50 percent open, the balcony would be a hundred
15 percent open on two sides or a minimum of ten feet from
16 the building. We can't believe you could get a tower to
17 be any closer than ten feet. But let's play it safe,
18 let's say you can't get anything closer than seven feet.
19 But there is a calculation method, and it's based on the
20 perimeter of the stair tower and separating from the
21 building.

22 THE CHAIRMAN: Additional questions?

23 Gentlemen, any closing remarks?

1 MR. BURKHART: Thank you.

2 THE CHAIRMAN: Very good. Thank you again. We
3 appreciate your time attending the hearing.

4 As indicated before, the Council will take up
5 this issue in executive session and will issue a written
6 decision. I would like to remind everyone there is a
7 sign-up list you need to capture your name on because
8 that's also the list that not only to the normal folks
9 that attend the decision, but they also use that sign-up
10 list for the interested folks that have signed up in
11 being interested in any one of the particular decisions
12 that go on.

13 That written decision will be issued by the
14 secretary of the Council. No member of the Council or
15 NFPA staff is permitted to discuss the issue or the
16 decision. That written decision will stand as the
17 response from the Council. So, again, thank you for your
18 time.

19 We will move directly into the next hearing
20 which is Agenda Item 09-8-1-g which is an item again with
21 NFPA 13, an appeal to reject Proposal 13-501. If you're
22 speaking on this issue, if I could ask you to take a
23 place at the end of the table.

1 Are there any statements from Council members
2 on this issue?

3 MR. GERDES: I would like to note for the
4 record that I'm a member of the Technical Committee on
5 Sprinkler System Installation Criteria. As a Technical
6 Committee member, I participated in the consideration and
7 voting on issues that appear to be related to this
8 appeal. I have, therefore, reviewed my obligations under
9 the Guide For Conduct of Participants in the NFPA
10 Process, particularly Section 3.5(d) of the Guide, to
11 consider whether there's any reason for me to recuse
12 myself from consideration of this appeal.

13 I have concluded I do not have any views that
14 are or would appear to be fixed concerning the issue, and
15 I am fully able to give open and fair consideration of
16 this appeal. For the record, therefore, I have
17 considered the matter and believe that I can fully,
18 fairly and impartially fulfill my role as a Council
19 member on this appeal.

20 THE CHAIRMAN: Thank you.

21 Mr. Huggins.

22 MR. HUGGINS: I would like to note for the
23 record that I'm also a member of the NFPA 13 Technical

1 Correlating Committee. As a member of that committee, I
2 participated in the consideration and voting on issues
3 that appear to be related to this appeal. I have,
4 therefore, reviewed my obligations under the Guide For
5 Conduct of Participants in the NFPA Process, particularly
6 Section 3.5(d) of the Guide to consider whether there is
7 any reason for me to recuse myself from consideration of
8 this appeal. I have concluded that I do not have any
9 views that are or would appear to be fixed concerning
10 this issue, and I'm fully able to --

11 THE CHAIRMAN: Mr. Huggins, we are on Agenda
12 Item G which I think is the issue of Mr. Kish and
13 No-Burn. G was probably a different recusal statement.

14 MR. HUGGINS: On my list for G, it was
15 identified actually applying elsewhere. So I apologize
16 for that.

17 Then as a member of Council, I, Roland Huggins,
18 for the record, am recusing myself on this agenda, and I
19 will not participate as member of the Standards Council
20 in the hearing, deliberations, or voting on this matter.

21 Also, for the record, that I would like to note
22 that I'm a member of the NFPA 13 Technical Correlating
23 Committee. When this appeal -- I'm correcting a

1 statement made within the appeal. When this matter came
2 before the correlating committee, I did recuse myself
3 from that deliberation and did not participate in the
4 discussions and/or the decision made by the correlating
5 committee on it. Thank you very much.

6 THE CHAIRMAN: Thank you.

7 Mr. Bell.

8 MR. BELL: I would like to note for the record
9 that I am a member of the TCC on Sprinkler System
10 Installation Criteria. As a TC member, I participated in
11 the consideration and voting on the issues that appear to
12 be related to this appeal. I have, therefore, reviewed
13 my obligation under the Guide For Conduct of Participants
14 in the NFPA Process to consider whether there is a reason
15 for me to recuse myself from consideration of this
16 appeal.

17 I have concluded that I do not have any views
18 that are or would appear to be fixed concerning the
19 issues, and I am fully able to give open and fair
20 consideration to this appeal. For the record, therefore,
21 I have considered the matter and believe that I can fully
22 and fairly and impartially fulfill my role as a Council
23 member on this appeal.

1 THE CHAIRMAN: Thank you.

2 Again, if you're speaking to this issue, at the
3 end of the table, Mr. Crawford, and you're speaking,
4 obviously, in support of the appeal.

5 MR. CRAWFORD: Yes.

6 THE CHAIRMAN: Mr. Isman?

7 MR. ISMAN: Opposed to the appeal.

8 THE CHAIRMAN: Is there anyone else wishing to
9 speak on this topic?

10 Mr. Crawford, you have ten minutes to sort of
11 make your opening comments. Mr. Isman, I'll give you
12 ten minutes as well. Then we'll go to questions from
13 Council.

14 Mr. Crawford.

15 MR. RON CRAWFORD: Ron Crawford with No-Burn.
16 I appreciate the opportunity to be here.

17 We are pursuing this appeal for a few reasons,
18 but most notably I think we believe there's been a
19 procedural error in this process. The action of the
20 committee was to accept the addition of a definition into
21 the NFPA 13 standard.

22 In fact, I'll go ahead and read it, even though
23 you have it in your package, I'm sure. The

1 recommendation was the allowance to omit sprinklers for
2 fire retardant treated wood requires a pressure-treated
3 application. It does not apply to coated applications.
4 Following is the substantiation. NFPA 703 addresses both
5 pressure-treated and coated applications. The
6 restriction is identified in the definitions of NFPA 703.
7 One should not have to go to a different standard to
8 understand the intent. Since the reference to NFPA 703
9 appears in several different sections a definition may be
10 warranted.

11 To me, that means putting the NFPA 703
12 definition of fire retardant treated lumber and coatings
13 in the definitions of NFPA 13.

14 In fact, there was a comment by Mr. McFee on
15 his affirmative vote saying that the actual change being
16 approved is unclear. Is the wording included in the
17 recommendation the wording intended to be included in an
18 appendix note? Also, since no appendix note on this item
19 currently exists, this should have been shown as a new
20 section.

21 I would like to point out there's no specific
22 code language being asked for here or recommended.

23 So subsequently then a letter was written at

1 the end of June of this year by Mr. Dubay of the NFPA in
2 response to a request by a deputy fire marshal from
3 Raleigh, North Carolina, highlighting just this thing.
4 This letter is also in your package. Saying, in essence,
5 that this authority having jurisdiction could review this
6 in light of his position as an authority having
7 jurisdiction, but that this annex note that's going to be
8 included and if adopted in the next edition of NFPA 13
9 should have or would have some influence potentially on
10 his decision-making here.

11 If a definition were included, we would have no
12 problem with that. We have never had any problem with
13 clarity or trying to determine that or help an AHJ
14 understand the difference between a pressure-impregnated
15 piece of wood and one that has been coated with a fire
16 retardant material.

17 The problem that we see is that no annex note
18 was requested and there really was no reason to include
19 that. Certainly, including a definition would have been
20 fine. With the annex note, a conflict exists with the
21 equivalency clause in NFPA 703 or NFPA 13, I'm sorry, and
22 703 for that matter, which is Section 1.5. Intumescent
23 coatings, which my company manufactures, are a very

1 viable alternative to FRT as demonstrated through, and I
2 apologize for the length of this, but the material
3 submitted along with this appeal. The reason for doing
4 that was just to set up the substantiation for accepting
5 that material as an equivalent to what is prescribed by
6 this exception which is FRT lumber. Unfortunately, the
7 annex note ultimately has the effect of unduly
8 influencing an authority having jurisdiction as it
9 relates to coatings because of the wording, and, again,
10 that was never actually asked for in the proposal made by
11 Mr. Huggins.

12 With that, I will just kind of reinforce the
13 fact that the action taken by the committee or by staff
14 as a result of what was proposed was actually different
15 than what was proposed and it in and of itself has the
16 effect of being in conflict with the equivalency clause
17 of NFPA 13.

18 THE CHAIRMAN: Thank you.

19 Mr. Isman.

20 MR. ISMAN: Ken Isman with the National Fire
21 Sprinkler Association. We are opposed to the appeal.

22 NFPA 13 requires sprinklers in concealed spaces
23 that contain combustible construction. There are then

1 some exceptions to that rule. One of the exceptions is
2 for fire retardant treated wood that complies with NFPA
3 703. Now, the thing that most people need to understand
4 about NFPA 703, it covers two different kinds of wood:
5 fire retardant treated wood which is pressure impregnated
6 and fire retardant coatings that are put on top of the
7 wood.

8 So NFPA 13 uses the specific language of only
9 exempting sprinklers from situations where fire retardant
10 treated wood is used. Whether you accept the annex note
11 or not, NFPA 13 still uses the language sprinklers are
12 only allowed to be omitted in combustible concealed
13 spaces where fire retardant treated wood is used in
14 accordance with NFPA 703. So that's been the intent of
15 the NFPA 13 Committee, to only allow the treated wood to
16 be exempt from the sprinkler requirement.

17 Mr. Huggins' annex note was merely an attempt
18 to clarify that, to let people know, the general public,
19 it's not everything under NFPA 703 that is exempt from
20 the sprinkler requirement, but only the fire retardant
21 treated wood, since that's the language actually in the
22 body of the standard. So all Mr. Huggins was trying to
23 do was clarify that point, that there's two different

1 things you can use under 703 and the intent of NFPA 13
2 was to limit you to one of them.

3 I think Mr. Huggins' annex note is very clear.
4 The recommendation is add this language, and there's a
5 reference note as to what section number it's supposed to
6 go under. So I think it's very clear what was voted on.

7 I know Rodney McFee put in a little comment on
8 the affirmative. He obviously voted in the affirmative
9 on the subject, so he thought it was okay what the
10 committee did. But Rodney is well known for being very
11 picky about exactly how somebody says something and he's
12 a craftsman of the English language. And I think he was
13 just trying to clarify for people that this is a new
14 annex note that is going in. Certainly, nobody submitted
15 a comment that said we're confused about what this annex
16 note is going to be in the next edition of the standard.

17 Ultimately we are concerned about the long-term
18 effects of No-Burn. We have not seen the studies as a
19 committee that says No-Burn is equivalent to any of the
20 other fire retardant treated wood. We understand there
21 have been some studies done, but they haven't actually
22 been submitted that we've seen at the ROP or ROC stages.

23 We are also concerned that long term that the

1 product is going to hold up its fire retardant
2 characteristics, and we have not, again, seen any data on
3 the long-term use of the product. We have concerns about
4 the application of the No-Burn product in the field. If
5 it is used on an already constructed situation, it needs
6 to coat the wood completely on all sides of the lumber,
7 which can be very hard to do in a concealed space once
8 the concealed space has been constructed. So we are
9 concerned, even if it does work really well in a
10 laboratory setting where everyone has coated the wood
11 really well, we're not sure it's going to get applied in
12 the field the way it was done in laboratory testing.

13 You heard from the appellants that they're
14 concerned that the equivalency clause is being violated
15 here. I don't think the equivalency clause is being
16 violated. I think the equivalency clause helps them
17 because if they can show that they work as well as fire
18 retardant treated wood and they can convince an AHJ that
19 both short term and long term they are just as good a
20 fire retardant treated wood, they are helped by the
21 equivalency clause because they can be used by the
22 equivalency clause.

23 So I don't think what the committee has done

1 has violated the equivalency clause. The committee has
2 clarified what the intent is, given the knowledge they
3 have as a committee at the moment, and then the
4 equivalency clause allows this other product to be used
5 if the authority having jurisdiction can be convinced
6 that it is actually equivalent in all terms, including
7 the long-term viability of the product.

8 THE CHAIRMAN: I'll open it up to questions
9 from members of the Council.

10 MR. BELL: This is a question of Mr. Crawford,
11 and perhaps Mr. Isman would care to comment. There was a
12 committee member, Mr. Bee, I think had commented that he
13 thought that Paragraph 8.15.1.2.10, which is the
14 paragraph prior to the 11 paragraph, has applicability to
15 your product. I note in the handout material there that
16 you provided that you actually provided test report,
17 particularly on Page 219 of the agenda, which indicates
18 that you've generated some data that adds relevance to
19 that particular comment. Can you comment on whether or
20 not you think it complies with that particular
21 requirement or not?

22 MR. CRAWFORD: The fact of the matter is we do
23 believe we comply with that requirement. The other fact

1 of the matter, however, is we believe we comply with the
2 alternative material approach to the prior exception
3 which has to do with the FRT material. And had the
4 language also proposed by Mr. McFee in a subsequent
5 section of this ROP process been adopted where there was
6 clarification made that coatings are, in fact, accepted
7 under that exception, we probably wouldn't be here today.

8 So, again, it kind of gets to the procedural
9 issues as to influence being placed on an authority
10 having jurisdiction put in a decision-making capacity
11 with respect to this issue, and there is probably, we
12 believe, as a result of this process, in fact, some
13 additional lack of clarity about the use of coatings for
14 an exception to sprinkler requirements in concealed
15 spaces.

16 So, long story short, we believe we probably
17 meet both of these exceptions, and we don't believe that
18 an AHJ should be influenced negatively as it relates to
19 our ability to be perceived as an equivalent protection
20 method to FRT as prescribed by that exception.

21 THE CHAIRMAN: Additional questions?

22 MR. GERDES: I have several questions. I'll
23 start with Mr. Isman. The exception for fire retardant

1 treated wood in the standard has gone back several
2 decades, I believe. In my opinion, this coating issue,
3 I'm going to call it something relatively new technology.
4 Would you say it's a fair statement that maybe the
5 committee hasn't been brought up to speed on this coating
6 issue and they're just relying on the historical
7 precedent of the treated wood?

8 MR. ISMAN: I think the best way I can answer
9 that is to say the committee hasn't seen officially as a
10 committee any of the documentation on this particular
11 product in terms of the fire testing.

12 MR. GERDES: A couple of questions for Mr.
13 Crawford. As far as NFPA 703 is concerned, in your
14 opinion, does it treat the coated product differently
15 from the pressure impregnated product?

16 MR. CRAWFORD: I think the primary difference
17 is that in the definition one is pressure impregnated and
18 the other is applied to the surface. The standard of,
19 you know, the test standards applied to that are very
20 similar in both cases which kind of supports the point
21 that we are an acceptable alternative, this type of
22 material is an acceptable alternative to the impregnated
23 material because it meets the same test standards.

1 MR. GERDES: It would treat them as equivalent?

2 MR. CRAWFORD: It should treat the products as
3 equivalent. In fact, in our case, without getting into a
4 commercial, we believe, in fact, our test results show we
5 are superior as an alternative material to FRT. But to
6 your question, does the standard treat them similarly, I
7 believe that it does.

8 MR. GERDES: One more question. Aging, does
9 the testing process address this issue of aging the
10 product?

11 MR. CRAWFORD: It does. In fact, there's
12 probably two things, to Mr. Isman's point, the technical
13 committee really has not reviewed the technical data as
14 it relates to this particular product that we would
15 suggest be used in this application. The testing done in
16 part involves the use of an ICCES report which was issued
17 on these product, part of which had to do with
18 maintenance and durability of the products. They had to
19 go through a process of determining their resistance to
20 temperature cycling, humidity cycling and those kinds of
21 things which would impact their use in the concealed
22 space. At the end of the day, that report does not
23 require maintenance or renewal because it was shown these

1 products will hold up over time even in environments that
2 are simulated to reflect what would be expected in a
3 concealed space.

4 And, again, the point there is that the folks
5 who are voting on this and addressing this issue are not
6 privy to that information whatsoever. So to say in an
7 annex note that coatings are just not something that
8 should be considered here we believe is very
9 inappropriate.

10 MR. MILKE: To Mr. Isman. I know the sprinkler
11 committee has to assess hazard in recommending what sort
12 of protection to provide and so on. But this -- Thinking
13 about aging and durability and robustness of a particular
14 product that comes out of the 703 test standard, that
15 would seem to be more the purview of the Fire Test
16 Committee. Has the Fire Test Committee been consulted
17 about this issue at all?

18 MR. ISMAN: All I can say is that in no
19 official capacity has the Sprinkler Committee reached out
20 to the Fire Test Committee. The Sprinkler Committee has
21 comfort with the treated wood, it's been used for quite
22 some time, and we have knowledge of its long-term
23 viability. We just haven't had enough knowledge of this

1 product to specifically address it, and I think the
2 committee was just trying to clarify this is what we know
3 right now, this is what we have been using right now in
4 this annex note.

5 THE CHAIRMAN: Mr. Harrington.

6 MR. HARRINGTON: Question for Mr. Crawford.
7 Mr. Isman raised concerns about the existing built
8 construction as far as the workmanship and being able to
9 go in there and do an effective job with the coating
10 after the fact. I'm interested in your thoughts on the
11 validity of that concern that he raised.

12 MR. CRAWFORD: It is a valid concern to the
13 point that we take great pains to make sure that the
14 application of the product is done by parties who are
15 certified for application by our company, that the
16 application itself is certified and documented, as in,
17 again, back to the ES report, a requirement for this type
18 of material is that there's documentation of what was
19 applied, the product, how much product was applied, to
20 what square footage of surface area and those kinds of
21 things. So you're documenting the mil thickness was
22 appropriate and that kind of thing.

23 The other thing that's included in the ES

1 report, but also just general practice, is that a
2 third-party inspection can be called for by an authority
3 having jurisdiction approving the use of this product
4 which is very similar to what you would you see.

5 Intumescent technology is not brand new by any
6 stretch. This technology has been around for about ten
7 years, in particular our product. You also see
8 intumescent products being used over steel and over other
9 products in construction where special inspections are
10 called for. That is the way that's routinely handled.
11 That's just a matter of course when intumescent are used
12 in other areas. That same methodology can apply here.

13 Are we concerned it's applied properly?
14 Absolutely. So we take all the steps necessary to make
15 sure it's being applied properly by parties that
16 know what they're doing. Then, if asked for, the
17 application methodology and the end result is exactly
18 what would be hoped for in terms of providing the
19 protection requested or required.

20 So it's a really good point. We would be more
21 than happy to share it with anyone as a member of the
22 Council or Mr. Isman or anyone else on the technical
23 committee or any other party associated, you know, more

1 detail about how we make sure this is being done
2 properly. But rest assured it is.

3 THE CHAIRMAN: I guess I have a couple of
4 questions relating to a few of the items that you brought
5 up, and in particular trying to address your point about
6 the equivalency clause. Let me try to lead through this.

7 One is, the first question is have you
8 submitted at any point your product or the coatings or
9 any of that to NFPA 13 to actually change the language
10 that says fire treated wood?

11 MR. CRAWFORD: We have not.

12 THE CHAIRMAN: Is that a consideration in going
13 forward? I ask that question because I'm going to ask
14 another question about the equivalency clause. Is that a
15 path forward for you to be able to do? You have a lot of
16 test data in this, but would it make sense to try to get
17 recognition in 13 specifically?

18 MR. CRAWFORD: Certainly, we would not exclude
19 that from consideration. I mean, we have thought about
20 that. You know, our involvement with the NFPA has not
21 been tremendously great over the history of our company.
22 It has been considerably greater in the last year or so
23 as a result of this particular issue. So we're learning

1 the processes of the NFPA, we're trying to better
2 understand the processes that are available to us. We
3 believe that is one of them. As it stands today, we have
4 chosen to pursue the course that we have as an
5 alternative material because that's currently available
6 to us.

7 Back to Mr. Isman's point. The reason that the
8 technical committee are comfortable with FRTs is because
9 it's been used for a long time, right? There was a day
10 when somebody had to say, hey, I think FRT would make
11 sense in this space and consider that. So we are kind of
12 looking for that day. We are looking for that
13 opportunity to come to you so we can establish that
14 history. And we have, by the way.

15 You know there are a lot of authorities having
16 jurisdiction that over the recent past have made a
17 decision they do agree this is an alternative material
18 based on their review of the technical data, that it is
19 equivalent and it should be allowed in concealed spaces.
20 We are beginning to get that history.

21 So I know it's a long-worded answer, but I
22 believe ultimately we will do something like you have
23 asked for. As of today, there is a vehicle available to

1 us to be used in this space and begin to develop that
2 history that appears to be having impediments put in
3 front of it that don't really belong.

4 THE CHAIRMAN: My next question goes to the
5 heart of your statement where you indicated what the
6 committee has done is somehow in conflict with the
7 equivalency clause. I'm trying to understand.

8 Are you contending that a committee is not
9 permitted to, if they're aware of various alternatives,
10 that they're not permitted to say these are the ones that
11 we believe are acceptable? And I'll follow through with
12 that by saying, if you or you can take any product was
13 submitted to the committee and said we wanted to do this,
14 the committee said no, we're not going to add it, they
15 put language to say we have looked and these things are
16 not permitted, I'm trying to rationalize that with your
17 statement that seemed to be broadly saying the committees
18 can't do things that would somehow impair the equivalency
19 clause, I think to use your words. You know, can
20 committees in your view and what you're saying be able to
21 make statements that out of these things this is what
22 we're saying that you can use?

23 MR. CRAWFORD: I think that the approach to do

1 that would be to make sure that either, as suggested by
2 the original, the proposal by Mr. Huggins that a
3 definition -- The definition already exists. NFPA 703
4 already says very clearly the difference between fire
5 retardant treated lumber and fire retardant coatings.
6 That clarity already exists. So someone reviewing the
7 technical documentation to determine whether or not
8 something is equivalent has access to that information.

9 It seems what was being proposed initially was
10 let's not make someone go to another document to
11 understand the difference, let's go ahead and incorporate
12 that into NFPA 13 which we're very comfortable with, we
13 think that's great, we like to enhance the clarity of the
14 differences between those two approaches.

15 So I don't think it's inappropriate to say that
16 this was originally intended to, or actually it's
17 redundant to say this was intended to include fire
18 retardant treated lumber because it already says. Then
19 it says as defined in NFPA 703. So all the documentation
20 already exist for someone to understand those
21 differences.

22 Where we run into a problem, if I'm an AHJ and
23 I have read this standard and this exception, and then I

1 go to an annex note that says this was supposed to be
2 impregnated material, it doesn't include coatings, the
3 impression I take away from that is I don't care what I
4 see, NFPA just told me I can't include coatings as part
5 of this exception. So that's the conflict with
6 equivalency.

7 It doesn't say in the annex note and you can't
8 include, you know, put your material here, you can't
9 include steel trusses, this wasn't intended to include
10 steel trusses, this wasn't intended to include these 47
11 other items. We think you shouldn't say what can't be
12 included as an alternative. You should make it as clear
13 as you want about what you originally intended. I hope
14 that got to your point.

15 MS. BRODOFF: I'm still a little confused. As
16 I understand your argument, I'm not trying to put words
17 in your mouth, you accept that Section 8.15.1.2.11 only
18 allows for an exception for fire retardant treated wood,
19 not coatings. Right?

20 MR. CRAWFORD: Very close. What I believe is
21 that that's what that exception is intended to say, is
22 that it's for fire retardant treated lumber.

23 MS. BRODOFF: And that's why you use the

1 equivalency provision to persuade AHJs because you accept
2 it's not permitted by the terms of the standard?

3 MR. CRAWFORD: By the strict definition of that
4 exception.

5 MS. BRODOFF: The actual prescriptive language
6 of the standard in that cited provision gives you an
7 exception if you have fire retardant treated wood, and
8 that leaves you to argue to AHJs, which, I take it, you
9 have done successfully in some places, that your fire
10 retardant coating is equivalent, works just as well, and
11 should be accepted under the question equivalency
12 provision?

13 MR. CRAWFORD: Yes. I would agree a
14 hundred percent with what you're saying.

15 MS. BRODOFF: Thank you. That's very helpful.
16 So I guess the question is, the annex as I read it, just
17 for the sake of discussion, by its terms applies to
18 8.15.1.2.1. So it's at least on its face intended to
19 clarify that particular prescriptive provision. So it
20 would seem to only enhance the argument that the
21 equivalency provision is the place where you argue for
22 something else. So I guess I don't quite understand your
23 argument that the annex which just clarifies what is

1 specifically allowed by the code affects what might be
2 alternatively allowed through the equivalency provision.
3 And so I would appreciate it --

4 MR. CRAWFORD: I understand the confusion
5 there. I also understand the motivation behind initially
6 proposing this language as Mr. Huggins has done. I think
7 it makes a lot of sense. I know why he did it, because I
8 do think this can be confusing.

9 The only thing I'm concerned about, if you had
10 the opportunity to read Mr. Dubay's letter to the
11 assistant fire marshal in Raleigh, as one example of
12 many, many examples of this playing itself out in the
13 real world, he goes through the availability of the
14 equivalency clause for this authority having jurisdiction
15 to agree that a coated material is equivalent to FRT.
16 After he gets through making that entire point, he says,
17 oh, and you may be aware there's this language that's
18 going to be included in the annex note that says, and
19 then he repeats what the language says which, in essence,
20 is this was never intended to include coatings.

21 The net effect of that is he can read all the
22 technical documentation he would like about the
23 equivalency and the ability of coatings to achieve the

1 same objectives as a fire retardant treated lumber
2 application, but he's going to be unduly influenced by
3 that as opposed to just making his own decision by going
4 and looking at the definitions of those two things. So
5 to say this wasn't intended to include coatings takes one
6 particular product, material, industry out of
7 consideration as an equivalent because -- I know what
8 you're saying. The person could still make the decision
9 to do that. But I believe it's a much more difficult
10 decision to make if you're an AHJ if the NFPA in one of
11 its documents said this was never supposed to be about
12 coatings. It's a particular industry.

13 MS. BRODOFF: But every time an AHJ exercises
14 the equivalency decision, it's to basically override some
15 other specific provision in the standard. So I guess I
16 don't understand why this is different.

17 I just would note in reading Mr. Dubay's
18 letter, like he reads the annex material in that section
19 you quoted the way I do. He says it would not supersede
20 the equivalency provision, which permits the AHJ, even
21 though 8.15.1.2.1 doesn't apply to coatings, to allow a
22 coating under the equivalency provision.

23 So I guess I just don't understand what the

1 difficulty is with an annex that just clarifies what you
2 agree that 8.15.1.2.1 actually does say.

3 MR. CRAWFORD: Again, I fully understand the
4 confusion. I think that Mr. Dubay's letter is a perfect
5 example of why we have an issue. It's not because of
6 what he said. It's not because of the -- He did a
7 wonderful job. I don't know if you had a chance to see
8 my letter back to him. I told him you did a great job of
9 making this a black and white thing for this person. The
10 problem is the fact that he had to do that. Because now,
11 by trying to create greater clarity which, apparently,
12 was the objective, he actually created a little more
13 confusion because he had to go through seven paragraphs
14 or whatever that is to say here's all of what you have to
15 consider and, by the way, it's okay, it's still okay to
16 say coatings are a viable solution here.

17 Most AHJs aren't going to have the benefit of
18 someone like Mr. Dubay providing that explanation to
19 them. So they're going to read in the annex note this
20 wasn't supposed to be about coatings and they're going to
21 say, no, we're not going to allow this. They won't have
22 the benefit of the effort Mr. Dubay has gone through to
23 help them understand how equivalency applies here. We

1 believe that's contrary to the whole point of the
2 equivalency clause in the first place.

3 This, by the way, is very easily taken care of
4 by including in the definitions the NFPA 703 language
5 related to fire retardant treated lumber and fire
6 retardant coatings, or including additional clarification
7 in some way within that exception. We are okay with
8 that. We love the idea of clarity. We just think this
9 was a way of going about it that is going to create more
10 confusion as it relates to equivalency.

11 MS. BRODOFF: Mr. Isman, I guess this question
12 is for you. What would be the harm of removing the
13 annex? Even if it does seem fairly innocuous to you,
14 what would be the harm of removing it since it just
15 clarifies what's already relatively clear in 8.15.1.2.11?

16 MR. ISMAN: The problem is that the average
17 user of NFPA 13 doesn't understand that NFPA 703 has two
18 different products it covers. They read fire retardant,
19 NFPA 703, oh, okay, if a coating meets 703, it should be
20 okay. We needed to clarify to people that's not what we
21 intend by that paragraph.

22 Unfortunately, the No-Burn people have really
23 muddied the water by going out there and actually

1 misinterpreting what's been written in NFPA 13. It's the
2 reason why this annex note was deemed to be necessary,
3 because No-Burn was out there for a long time
4 advertising, oh, NFPA 13 says you can leave sprinklers
5 out of the space with the No-Burn product because it
6 meets NFPA 703, and NFPA 703 is referenced in NFPA 13.

7 So they created the problem themselves by
8 misinterpreting NFPA 13 and going to AHJs and saying you
9 don't have to follow any equivalency process, it already
10 says here you can eliminate sprinklers from these spaces
11 that have fire retardant products in accordance with NFPA
12 703. They replaced the word "treated" with "products"
13 and they were out there just saying, hey, use our product
14 and eliminate the sprinklers. That's not really what the
15 standard said.

16 There's an equivalency process you had to go
17 through in order to do that and the step that they were
18 skipping.

19 MR. CRAWFORD: I take exception to the
20 characterization. We weren't doing what you said. We
21 have always communicated this in such a manner it is an
22 alternative material approach based on IBC 104.1.

23 You know, if there's ever been a comment like

1 that, certainly we can't control everything everyone
2 says. But our approach as an organization has always
3 been to pursue the alternative materials approach as it
4 relates to the exception that exists in the NFPA 13
5 standard. So the characterization we have muddied the
6 waters and made the requirement for this to happen I
7 believe is completely inaccurate.

8 THE CHAIRMAN: I understand both points have
9 been made on this.

10 Miss Brodoff, did you have any further
11 questions on this?

12 Ken, were you wanting to respond? I don't want
13 to keep going back and forth multiple times on this.

14 MR. ISMAN: That's okay, Mr. Chair, I'm fine.

15 THE CHAIRMAN: Dr. Clary, did you have a
16 question?

17 DR. CLARY: You answered all my questions in
18 the past. You took care of my questions.

19 THE CHAIRMAN: Mr. Gerdes.

20 MR. GERDES: Two questions for Mr. Crawford.
21 Is your product a proprietary product or do you have
22 competitors out there in the marketplace?

23 MR. CRAWFORD: I guess the easiest way to say

1 that is we have a proprietary formulation. However,
2 there are other materials that probably behave very
3 similarly. We are not the only material that might be
4 used in this way.

5 MR. GERDES: My second question has to do deal
6 with this equivalency concept. You would agree that when
7 seeking equivalency the burden of proof would lie with
8 the proponent?

9 MR. CRAWFORD: Yes. And we believe that we do
10 a fairly strong job of, you know, meeting that
11 requirement. You have a fair amount of documentation in
12 your package, I apologize for the depth of paper, to
13 support that claim that we make it is, in fact,
14 equivalent in terms of performance and, in fact,
15 superior.

16 MR. BELL: I'm going to go back to the question
17 I had originally. If you believe 8.15.1.2.10 has
18 relevance to your product and you have data to support
19 that it meets that requirement, why would you not have
20 the AHJs look at that paragraph?

21 MR. CRAWFORD: We may very well do that. In
22 certain cases because, again, as I mentioned before, I
23 believe both of these exceptions apply to this type of

1 material. So we may very well work with an AHJ and say,
2 hey, .10, the rigid material exception, as Mr. McFee
3 said, in fact, at a different point in this process, is
4 maybe the more applicable.

5 One of the things we found is that things like
6 what we see here in this annex note create a bias against
7 coatings, so there have been cases where we may have used
8 that exception as our substantiation for being used in a
9 concealed space, and, in fact, haven't been supported in
10 doing that by an AHJ or haven't been approved to do that.

11 So our opinion is that you can't really
12 completely separate them, that coatings do have a place
13 here, and that creating confusion -- Again, the point was
14 to clarify, but, in essence, this is creating a bias
15 against coatings in a way, actually damages us as it
16 relates to that exception as well.

17 THE CHAIRMAN: Additional questions?

18 Seeing none, Mr. Crawford, any closing comments
19 that you would like to make?

20 MR. CRAWFORD: Other than thank you very much
21 for being here. I appreciate your attention. I would be
22 more than happy to share information with anyone here or
23 any part of the technical committees or correlating

1 committees or any part of NFPA about the applicability of
2 these coatings and stand up to any scrutiny that exists
3 in that form.

4 THE CHAIRMAN: Mr. Isman, any comment?

5 MR. ISMAN: No. Just thank you.

6 MS. BRODOFF: Just in reaction to your
7 statement, I just wanted to urge you, if you believe
8 there is some basis to change the codes, it would be your
9 obligation to make that case and provide the
10 substantiation. It sounded to me from your earlier
11 comments you hadn't decided whether you were going to do
12 that, but I would say that it would generally be the
13 proponent's obligation to bring it to the committees, and
14 I would urge you to do that if you feel it's appropriate
15 to do that.

16 MR. CRAWFORD: I appreciate the advice.

17 THE ARBITRATOR: We will bring this hearing to
18 a close. I want to thank both of you for attending the
19 hearing and providing information to the Council. We do
20 appreciate your participation in the NFPA standards
21 making process.

22 A decision will be issued on this after the
23 Council discusses the issue. That decision will be

1 issued only by the secretary of the Council. No member
2 of the NFPA staff or nor member of the Council is
3 permitted to discuss the issue or the decision, and that
4 written decision will stand as the response of the
5 Council on the issue.

6 Again, thank you. We will bring that hearing
7 to a close and we will go directly into the next hearing
8 which is Agenda Item 09-8-1-f which has to do with an
9 appeal of overturning the floor action to reject Comment
10 13-34. I would ask if you're speaking on this issue to
11 please take a seat down here at the end of the table.

12 I will ask at this point are there any
13 statements from Council members? Mr. Bell.

14 MR. BELL: I would like to note for the record
15 I am a member of the TCC on Sprinkler System Installation
16 Criteria. As a member of the TCC, I participated in the
17 consideration and voting on issues that appear to be
18 related to this appeal. I have, therefore, reviewed my
19 obligations under the Guide For Conduct of Participants
20 in the NFPA Process to consider whether there is any
21 reason for me to recuse myself from consideration of this
22 appeal.

23 I have concluded I do not have any views that

1 are or would appear to be fixed concerning the issues,
2 and I am fully able to give open and fair consideration
3 to this appeal. For the record, therefore, I have
4 considered the matter and believe that I can fully,
5 fairly and impartially fulfill my role as a Council
6 member on this appeal.

7 THE CHAIRMAN: Mr. Gerdes.

8 MR. GERDES: I would like to note for the
9 record that I am a member of the Technical Committee on
10 Sprinkler System Installation Criteria. As a Technical
11 Committee member, I participated in the consideration and
12 voting on issues that appear to be related to this
13 appeal. I have, therefore, reviewed my obligations under
14 the Guide For Conduct of Participants in the NFPA
15 Process, particularly Section 3.5(d) of the Guide to
16 consider whether there is any reason for me to recuse
17 myself from consideration of this appeal.

18 I have concluded I do not have any views that
19 are or would appear to be fixed concerning the issues,
20 and I am fully able to give open and fair consideration
21 of this appeal. For the record, therefore, I have
22 considered the matter and believe that I can fully,
23 fairly and impartially fulfill my role as a Council

1 member on this appeal.

2 THE CHAIRMAN: I'm also going to ask, we have
3 had a number of new people come into the record. So the
4 Council can understand who's in the room, if you have not
5 already introduced yourself for the record, I would ask
6 that you do that now.

7 MR. JAMES GOLINVEAUX: James Golinveaux, Tyco,
8 Water Fire Suppression and Building Products.

9 MR. ANDY OLAH: Andy Olah with Lubrizol.

10 MR. BILL KOFFEL: Bill Koffel, Koffel
11 Associates.

12 THE CHAIRMAN: Gentleman, if you will quickly
13 introduce yourselves and state whether you are speaking
14 for or against the appeal.

15 MR. LARRY THAU: Larry Thau, from Victaulic.

16 MR. LEONARD SWANTEK: Leonard Swantek, also
17 from Victaulic.

18 THE CHAIRMAN: Both of you are speaking,
19 obviously, in the favor of the appeal?

20 MR. THAU: Yes.

21 MR. ISMAN: Ken Isman, National Fire Sprinkler
22 Association. Opposed to the appeal.

23 THE CHAIRMAN: Is anyone else going to speak on

1 this issue?

2 Seeing none, gentlemen, ten minutes, if you
3 would, to make your opening remarks to the Council. You
4 can hand off however you would like. I would just remind
5 you to state your name for the record, so we can capture
6 that appropriately, please.

7 MR. SWANTEK: Good morning. Thank you for the
8 opportunity to present our appeal. I'm Leonard Swantek,
9 Director of Regulatory Compliance for Victaulic Company.

10 To give you a little bit of background here on
11 this issue, for, I guess, a number of years we have been
12 knowledgeable in the fact that Section 6.5.3 covering
13 grooved joining methods of grooved mechanical connections
14 has been undergoing various discussions in terms of
15 revisions and moving the standard forward to accommodate
16 the changes in the market.

17 On the actual working group, what we would
18 consider I guess the actual technical committee, we
19 didn't feel that we had a need to have a full
20 representation because these standards typically are
21 either performance related, they're not really design
22 related issues, and they really don't impact us to a
23 great level. Quite frankly, I think Mr. Thau will agree,

1 our representation on the group may not have been proper
2 or may not have been adequate.

3 What brought our attention to this most recent
4 issue was the fact that we received copies of the ROC and
5 ROP statements and actually summaries. And what happened
6 here was essentially as the discussion was ensuing in
7 terms of changing terminology from fittings to couplings
8 and what was considered a coupling versus a fitting and
9 how grooved compatibility impacts one manufacturer's
10 product being used with another's, what dawned on us was
11 the fact there were also discussions taking place that
12 may lead the committee to developing a rigid dimensional
13 standard for these types of products. That's really the
14 core issue that we are concerned with right here today.

15 And so the committee here, the Council
16 understands the reason we are sitting in the room today,
17 we are really seeking clarification on whether or not
18 6.5.3 will become a dimensional, a hard dimensional
19 standard, meaning will there be a table of fixed
20 dimensions that the manufacturers must comply with in
21 order to submit their products to the regulatory testing
22 agencies. So that's the first thing. We are looking for
23 some guidance on this.

1 Secondly, if there is a move toward a rigid
2 requirement for specific dimensions for grooves on
3 fittings, grooves on components and pipe, that's
4 something that we would like to try to address today at
5 the same time. However, if it is not the intent of the
6 committee to go to a full hard dimensional requirement,
7 essentially we're not going to take a lot of time on this
8 today. We are not going to take issue with the wording
9 of a coupling versus a fitting. That is not our
10 intention.

11 Victaulic is the innovator of this joining
12 method, since 1925. We do consider ourselves, and at the
13 risk of sounding arrogant, please don't take it that way,
14 we are the experts in the technology, in terms of roll
15 grooving, cut grooving, developing parts that fit
16 together. We know that although Victaulic has always
17 been we sell a system, a Victaulic fitting assembled on
18 to a piece of grooved pipe with a Victaulic coupling,
19 it's marketed and sold as a system. That is our
20 approach.

21 We know at the end of the day in a real job
22 situation, job site situation, the contractor is always
23 going to want to pick and choose one manufacturer with

1 another and build the most economic system. Quite
2 frankly, it works. There are no issues that we can see
3 where dimensional incompatibility exists from one
4 manufacturer to another. The regulatory authorities,
5 Underwriters Labs, FM approvals, VDS in Germany, LPCV in
6 the UK, all test these products in one combination or
7 another, and they do work. The standards are adequate,
8 there really is no need to do anything further.

9 So, again, if there is an intention or some
10 intent to move toward a rigid dimensional standard, we
11 would like to know that for sure. If that is true, we
12 have some issues with that in terms of product
13 development restrictions, new technology that we are
14 developing today that may not fit into a rigid
15 dimensional standard.

16 MR. THAU: Literally, this is a fairly simple,
17 straightforward matter. If the intent is to provide
18 interchangeability of joint components based upon
19 performance criteria, we're fine with that, and we
20 believe that history has demonstrated that these
21 components are compatible.

22 As Mr. Swantek stated before, if we are now
23 migrating toward a design standard, something that, quite

1 frankly, would have a significant effect on products that
2 we presently have in the marketplace, we believe our
3 competitors have in the marketplace, and also new
4 products that we have in research and development, then
5 we believe, first of all, it's unnecessary, and we
6 believe that it should be clarified and the effort should
7 be back to what we think is the basic question that is
8 being asked by the installer and AHJ community validate a
9 method by which all of these products can be used
10 interchangeably.

11 MR. SWANTEK: We didn't have a vehicle that we
12 were aware of to bring this to the attention of the
13 committee and the Council high enough where people would
14 take this seriously. The dimensional standard is not
15 necessary, it's not needed.

16 We're in a difficult position here. This is
17 very awkward for us to even have this discussion today
18 because the wording -- and when Mr. Isman speaks we
19 understand what his position is, but long term we are
20 more concerned what is coming next. But, again, we are
21 in a little bit, we are in a quandary here, we don't know
22 how to present this so that the committee understands the
23 concern, future R and D, future product development at

1 risk, and all the issues I stated in my June 29th letter
2 to support the appeal. We don't have the right vehicle
3 to get that in the right hands, so we are hoping this
4 discussion today can ratchet that up one level. That's
5 essentially it. It's a very straightforward issue, but
6 we are not sure how to communicate that properly to the
7 right people.

8 THE CHAIRMAN: Thank you.

9 Mr. Isman.

10 MR. ISMAN: National Fire Sprinkler
11 Association.

12 The proposal and comment that the appeal is
13 trying to overturn came up through our National Fire
14 Sprinkler Association Engineering and Standards
15 Committee. Just so you understand, our Engineering and
16 Standards Committee is a committee made up of
17 contractors, sprinkler contractors from all over the
18 United States, and manufacturers of valves and couplings
19 and fittings and other components of sprinkler systems.

20 This committee on a regular basis identifies
21 concerns with NFPA 13 and other other NFPA standards and
22 directs staff, in this case myself or Cecil Bilbeau, to
23 propose proposals and comments to NFPA documents.

1 One of the issues that our Engineering and
2 Standards Committee identified for this particular cycle
3 is a concern with a huge amount of paperwork that they
4 have to deal with to convince AHJs that the exact
5 couplings they're using on a job to join a fitting like a
6 T or an elbow to a piece of pipe is exactly listed, that
7 model fitting is exactly listed with whatever
8 manufacturer T or elbow they choose to use on that job.
9 In keeping track of the inventory, in keeping track of
10 the paperwork to keep the authorities having jurisdiction
11 happy were extremely difficult.

12 As Victaulic said, we know these couplings are
13 compatible with a wide range of different fittings and
14 valves, but to keep track of exactly what model you used
15 exactly on that job can be very difficult for a sprinkler
16 contractor. It's gotten to the point where authorities
17 having jurisdiction have forced contractors to take apart
18 systems and take out a fitting like a T or an elbow and
19 go buy a different fitting and put it back in just
20 because that different fitting they could prove was
21 listed with the coupling, whereas the other one they
22 couldn't prove necessarily, they didn't have the right
23 paperwork at that moment to prove that exact coupling was

1 listed with that exact fitting.

2 We know from the use of these couplings with
3 valves that you don't need to have this listing as a
4 specific product. When you go to use a coupling with a
5 valve, like a Reliable dry pipe valve or a Tyco wet alarm
6 valve, the valve manufacturers can make a grooved end to
7 that valve, and we don't have to get it specifically
8 listed with the coupling. Somehow the coupling
9 manufacturers are able to communicate to the valve
10 manufacturers whatever information they need to know to
11 make sure that valve with that grooved end on it is going
12 to mate up with their coupling.

13 All we are asking for was the same issue of
14 compatibility with fittings, like T's and elbows. If
15 they can make a coupling that can go over a valve and
16 work just fine without being specially listed for that
17 model valve, then why can't they make the coupling to go
18 over a T without being specially listed to go with that
19 specific manufacturer's T. So that's all we were asking
20 for, some kind of compatibility where we wouldn't have to
21 create this huge paper trail to do what everybody knows
22 is going to happen. The coupling is going to hold the
23 stuff together and it's not going to leak. We have

1 performance data to say that happens, whether it's
2 specifically listed with that T or fitting or not, it
3 goes together and it holds and it doesn't leak. We were
4 just looking for the ability to get away from having to
5 deal with that whole paperwork trail of proving exactly
6 the product being listed as a family, as a unit. The
7 committee agreed with us, and the NFPA membership agreed
8 with us, and here we are.

9 THE CHAIRMAN: Thank you.

10 I'll open it up to questions from the Council.
11 Dr. Clary.

12 DR. CLARY: Thank you. First question is for
13 Mr. Swantek. Your corporation, were they okay with the
14 original proposal and comment from the National Fire
15 Sprinkler Association that did not use the word
16 dimensions?

17 MR. SWANTEK: Yes.

18 DR. CLARY: You were okay with that?

19 MR. SWANTEK: Yes.

20 DR. CLARY: To Mr. Isman, do you know why at
21 the comment stage the committee basically took your
22 verbiage from your comment and instead inserted the word
23 dimensions? How did dimensions get into this?

1 MR. ISMAN: I was not present at that meeting,
2 so I can't say exactly what was going through the
3 committee's mind. I don't know.

4 DR. CLARY: Back to you again, the issue is on
5 the word dimensions?

6 MR. SWANTEK: Absolutely.

7 DR. CLARY: I guess if you could, I'm not a
8 sprinkler person, so if you could maybe in about
9 thirty seconds or a minute explain why that, how that
10 word dimensions becomes then basically a catastrophic
11 event here.

12 MR. THAU: Well, I don't know that -- it
13 certainly is not catastrophic. This is really a question
14 of we are fundamentally on the same side of this issue
15 and at a relatively high level. I think what happens is
16 that there are different classes of products, and
17 specifically the inclusion of the word coupling as
18 opposed to even fittings and pipe creates more of a
19 concern. So if I want to rank the concern we have, it's
20 dimensions with respect to couplings, then fittings, and
21 then the pipe.

22 Specifically, a number of coupling style
23 products, particularly rigid type products, are

1 manufactured to different sets of dimensions by various
2 companies. And as a result of that, if someone were to
3 standardize on a single set of dimensions for the
4 interior critical dimensions, they would, in fact,
5 negatively impact the performance of the rigid style
6 products as they're intended to be used.

7 So if we go back to that hierarchy of coupling,
8 fitting and pipe, the pipe is actually fabricated on site
9 by the installers using equipment that we and others
10 provide. Those dimensions are variable literally at the
11 point of manufacture. So those we would have the least
12 concern about.

13 So, once again, there are products that exist,
14 specifically couplings as well as some fittings and also
15 products that are planned for the future, that would be
16 impacted by the adoption or even the potential inference
17 to AHJs that there are some dimensional criteria they
18 should be meeting.

19 So, once again, if we extract dimensions or if
20 it's understood, even with the present wording, that the
21 intent is performance, interchangeability in terms of
22 performance, I think we can live with that, but rigid
23 dimensions for the product is a concern we have.

1 MR. GERDES: Are you saying that you can
2 achieve the goal of compatibility without prescribing set
3 dimensions?

4 MR. SWANTEK: Yes. Because it exists today.
5 We know these combinations work. Obviously, Mr. Isman
6 agrees as well. They do work. There is no need to go
7 any further.

8 THE CHAIRMAN: I would like to follow up on Mr.
9 Gerdes's question. Mr. Swantek, I'm reading in your
10 letter that you wrote in the appeal in Item 3 where you
11 really indicated due to real world manufacturing
12 tolerances and variable QA, the assumption cannot be made
13 any combination of mixed components will provide
14 consistent performance.

15 I'm trying to rationalize that statement with
16 Mr. Gerdes's question that these are all okay.

17 MR. SWANTEK: Right. Perfectly good question.
18 That item is really listed under this heading where our
19 concern lies for future product development. The
20 products we are looking at in the future that are what we
21 consider installation ready, it makes it easier for the
22 contractor to use, these products are going into the
23 market right now as we speak, they're UL/FM listed.

1 They're very appealing to the contracting community, but
2 they may not function well across the board if the
3 dimensions are locked in where our competitors are
4 producing fittings and other products they may not work
5 as well.

6 So the reason for that statement being applied
7 to the appeal is for the long-term impact if a
8 dimensional, a fixed dimensional requirement were imposed
9 upon the manufacturers. As of today, they do work.

10 MS. BRODOFF: So you have some time to address
11 this issue, for example, if the Council were not to
12 uphold your appeal. And I ask that question because I'm
13 not exactly sure what specific relief you're requesting
14 from the Council today. It almost sounds like you're
15 not, you see this as some kind of nose under the tent,
16 but in itself the language that is being objected to is
17 not immediately objectionable. Is that correct?

18 MR. SWANTEK: Yes. You are very close to what
19 our quandary is. We are not objecting to the change of
20 the word from fitting to coupling. That makes perfect
21 sense. It's this other gentleman who raised the question
22 about the word dimensions, that is what raises the
23 concern. If the word dimensions was not part of that

1 discussion, we would not be sitting here today.

2 MS. BRODOFF: To follow up, what is the precise
3 relief you're requesting?

4 MR. SWANTEK: Number one clarification is
5 6.5.3, approaching a dimensional requirement, can that be
6 answered?

7 MS. BRODOFF: The Council can take action, the
8 Council is here to issue this document in a certain form.
9 So I guess my first and main question to you is what is
10 that form, what is it that you -- Typically, the Council
11 does not write code, it chooses, it either upholds the
12 process which has come to us in a certain way, or, if
13 there's some clear and substantial basis, it could uphold
14 an appeal, for example, to accept another rejected
15 comment or whatever.

16 So I guess I'm just trying to focus on it in
17 terms of what the Council typically does, what is the
18 relief requested? It could certainly make suggestions in
19 terms of going forward in some general terms in its
20 decision, but typically its immediate question is what to
21 do when it issues this standard, what will it say. If
22 you could be as precise and you can answer it in the
23 alternative, if you want, but what are the things you

1 would like the Council to do in terms of issuing the
2 standard.

3 MR. THAU: Let me address that. That's an
4 excellent question.

5 To get as specific as I can be, it's implicit
6 in the present language that a dimensional or design
7 standard may be requested. Implicit with that potential
8 interpretation is our concern. If there's an
9 understanding that we all want these things to work
10 interchangeably, we all want them to provide the same
11 performance, and we're going to do that through a listing
12 process that's based upon performance testing as we
13 historically have done, then we are fine.

14 We think it is implicit in these words that
15 someone may start measuring things and, irrespective of
16 how things actually perform, say this is out of
17 dimension.

18 MS. BRODOFF: Just to clarify, what is it
19 you're asking? That the comment be rejected or some
20 other?

21 MR. THAU: What we are asking for is does the
22 Standards Committee support this being a dimensional or
23 design standard or not.

1 MS. BRODOFF: That's not really -- The Council
2 is not likely -- I can't speak for the Council. It's not
3 likely to give general philosophic discussion. It's
4 trying to decide what the standard is going to say. An
5 appeal typically will request some specific relief in
6 terms of what the standard will say. You put in a NITMAM
7 that was, correct me if I am wrong, the NITMAM, the
8 motion failed on the floor.

9 MR. THAU: Correct.

10 MS. BRODOFF: Are you asking as relief that
11 motion, the content of that motion be accepted for
12 inclusion in the standard, or something else?

13 MR. SWANTEK: If upholding the appeal, if the
14 vote is taken and our appeal is accepted, what we are
15 just seeking to do is get back into the working group
16 committee level and have this discussion in a more open
17 forum with our competitors and all of the people on that
18 group to discuss this dimensional issue with them.

19 If that is not the proper way to do this and
20 our appeal is rejected, the wording goes in as proposed,
21 and if that's what you're saying, our appeal is rejected
22 today, the wording goes in as it's been presented, even
23 if there's a reference to dimensions, then we would be

1 obligated to go back to the committee and take this up
2 again.

3 MS. BRODOFF: Just to clarify. Your appeal is
4 is to remove this language that will go into the
5 standard?

6 MR. SWANTEK: Yes. In other words, it's the
7 only vehicle we felt we had at our disposal to take this
8 issue to the next level.

9 THE CHAIRMAN: Mr. Isman, did you want to
10 respond to Miss Brodoff's question?

11 MR. ISMAN: Yes. I guess I could offer an
12 alternative appeal for you if you want to consider it,
13 which would be, as Mr. Gerdes I think was suggesting, to
14 go with the original proposed language by Mr. Bilbeaux as
15 opposed to the altered language that the committee
16 submitted. It would solve our problem with dealing with
17 AHJs, and it sounded like it might solve your problem
18 with dimensions as well.

19 MR. THAU: We would agree with that.

20 MR. SWANTEK: That would be perfectly
21 acceptable.

22 MS. BRODOFF: As an alternative?

23 MR. THAU: Yes.

1 THE CHAIRMAN: Alternatives that crop up, I
2 want to take a minute to make sure I'm clear on what we
3 are saying. I'm looking specifically at the Comment
4 13-34. And what you have offered, Mr. Isman, is to say
5 if the wording that was proposed by NFSA in that
6 recommendation that says compatibility of pipe and
7 fittings, listed materials of the same joining type
8 method and pressure classification shall be compatible as
9 a condition of their listing, you're saying that's the
10 alternative you're talking about, or are you going all
11 the way back to the proposal?

12 MR. ISMAN: No. The comment that Mr. Bilbeaux
13 submitted.

14 THE CHAIRMAN: I wanted to make sure that both
15 of you were clear also.

16 MR. THAU: Yes.

17 MR. SWANTEK: Yes. In fact, that's a very good
18 suggestion.

19 THE CHAIRMAN: I appreciate that clarification.
20 Just to -- I want to go back, Mr. Swantek, to
21 something you just responded to in the question. I think
22 you might have answered that question. Regardless of
23 whether we upheld the appeal or we denied the appeal,

1 both of your answers seem to say you had to get back into
2 the committee to have this discussion that had to go on?

3 MR. SWANTEK: Exactly.

4 THE CHAIRMAN: Because I did want to at least
5 make note, although we have been talking about the words,
6 some of your concern appears to be with the committee
7 statement on a particular comment which does discuss
8 development of a standard.

9 MR. SWANTEK: Right.

10 THE CHAIRMAN: Regardless of what the Council
11 does, we won't change what the committee thinks about
12 that. So certainly, however you pursue the process,
13 regardless of the appeal outcome, I think is an important
14 item to note.

15 Are there additional questions?

16 MR. NEWMAN: So if the language were to go
17 forward as amended by the committee in the comment, it
18 doesn't cause you an immediate problem but a potential
19 future problem? You have to go back into the process to
20 try to change things so that future problem doesn't
21 develop? Is that fair?

22 MR. THAU: Yes. But that's part of what we do
23 for a living. So we accept that.

1 MR. NEWMAN: I wanted to make sure I was clear
2 on that.

3 THE CHAIRMAN: Additional questions?

4 Seeing none, gentlemen, any closing remarks
5 that you would like to make?

6 MR. THAU: No. I would like to thank the
7 committee for hearing us. We are relatively new to this
8 regulatory type of culture that exists in fire
9 protection, so we are learning. So we thank you for your
10 patience.

11 MR. SWANTEK: Likewise, this is, it's a
12 difficult position that we're trying to present here. We
13 really appreciate your guidance and patience.

14 And, Ken, your suggestion is very well
15 appreciated.

16 MR. ISMAN: Thank you for your time.

17 THE CHAIRMAN: With that, we will bring this
18 particular hearing to a close. I do want to thank you
19 all for your participation in the process. We will
20 remind you the decision will be issued as a written
21 decision by the Council, and it will only be issued by
22 the Council secretary, Miss Cronin. No member of the
23 Council or NFPA staff is permitted to discuss that

1 decision. That written decision will be the
2 responsibility of the Council. Thank you.

3 We will close that hearing and move directly
4 into Item 09-8-1-h which is an issue again on NFPA 13,
5 and the appeal is to overturn the floor action and accept
6 Comment 13-104.

7 Mr. Burkhardt, I believe this is your appeal and
8 speaking in favor of the appeal.

9 Mr. Isman, almost at a permanent seat at the
10 end of the table, you are speaking for or against the
11 appeal?

12 MR. ISMAN: We are opposed to the appeal.

13 THE CHAIRMAN: Are there any statements from
14 Council members?

15 MR. HUGGINS: I would like to note for the
16 record that I am a member of the Technical Correlating
17 Committee. As a member, I participated in the
18 consideration and voting on issues that appear to be
19 related to this issue. I have, therefore, reviewed my
20 obligations under the Guide For Conduct of Participants
21 in the NFPA Process, particularly Section 3.5(d) of the
22 Guide, to consider whether there is any reason for me to
23 recuse myself from consideration of this appeal.

1 I have concluded that I do not have any views
2 that are or would appear to be fixed concerning the
3 issue. I am fully able to give open and fair
4 considerations to this appeal. For the record,
5 therefore, I have considered the matter and believe that
6 I can fully, fairly and impartially fulfill my role as a
7 Council member on this appeal.

8 THE CHAIRMAN: Mr. Gerdes.

9 MR. GERDES: I would like to note for the
10 record that I am a member of the Technical Committee on
11 Sprinkler System Installation Criteria. As a Technical
12 Committee member, I participated in the consideration and
13 voting on issues that appear to be related to this
14 appeal. I have, therefore, reviewed my obligations under
15 the Guide For Conduct of Participants in the NFPA
16 Process, particularly Section 3.5(d) of the Guide, to
17 consider whether there is any reason for me to recuse
18 myself from consideration of this appeal.

19 I have concluded that I do not have any views
20 that are or would appear to be fixed concerning the
21 issues, and I am fully able to give open and fair
22 consideration of this appeal. For the record, therefore,
23 I have considered the matter and believe that I can

1 fully, fairly and impartially fulfill my role as a
2 Council member on this appeal.

3 THE CHAIRMAN: Mr. Bell.

4 MR. BELL: I would like to note for the record
5 I am a member of the TC on Sprinkler System Installation
6 Criteria. As a TC member, I have participated in the
7 consideration and voting on issues that appear to be
8 related to this appeal. I have, therefore, reviewed my
9 obligations under the Guide For Conduct of Participants
10 in the NFPA Process. To consider whether there is any
11 reason for me to recuse myself from consideration of this
12 appeal.

13 I have concluded that I do not have any views
14 that are or would appear to be fixed concerning the
15 issues, and I am fully able to give open and fair
16 consideration to this appeal. For the record, therefore,
17 I have considered the matter and believe I can fully,
18 fairly and impartially fulfill my role as a Council
19 member on this appeal.

20 THE CHAIRMAN: Mr. Burkhardt, you have the
21 floor.

22 MR. BURKHART: My name is David Burkhardt with
23 Code Consultants. I'm here on behalf of the New York

1 Office of Mental Health.

2 Before I begin my statement, I would like to
3 say that I have mentioned Mr. Huggins in my documentation
4 and I would like to say that I agree with Mr. Huggins'
5 opinion and that he can be fair and impartial in this
6 matter.

7 I would like to appeal this particular item on
8 two procedural issues. The first -- Let me start by
9 saying that I thought this was a no brainer. I thought
10 this was a very simple and very technically, more of an
11 editorial change than anything else.

12 Typically, what it boils down to is the fact
13 that somewhere around 1994 the technical committee at
14 that particular time made a change to NFPA 13 that was
15 not necessarily the best way to make the change based on
16 the recommendation of the person who made the code change
17 recommendation. The code change recommendation was only
18 to verify a minimum size of a drain for purposes of
19 testing the underground water supply as it stood in NFPA
20 13 at that particular time.

21 What the committee ended up doing, instead of
22 creating a new table saying the minimum size of this test
23 drain, they just referred to the sizing of the main drain

1 and ended up calling it a main drain test because it was
2 slang that was used in the field for the testing that was
3 done. Up until that point in time it has always been
4 called a water supply test. Why didn't anybody complain
5 back then? Because it was slang and everybody just went
6 along with it. No big deal.

7 If I had to do this over again, I wouldn't even
8 be here today, but I would let the issue ride because I
9 didn't think there was going to be any opposition to this
10 issue. In informal poll of the people I deal with in the
11 sprinkler industry all agree with my opinion. However,
12 Mr. Isman, and I forgot about Mr. Koffel made a statement
13 during the NITMAM, that they had, they totally disagreed
14 with my opinion. So I have to respect the National Fire
15 Sprinkler Association, obviously, in this particular
16 issue.

17 However, if you go back to the committee
18 statement, right back to the whole beginning of this
19 thing, the committee statement when they changed the name
20 of this thing to main drain test went right back to say
21 the intent of this standard is only to conduct the main
22 drain test where the water supply enters the building.

23 So why am I here? The Joint Commission

1 inspects my customers' facility. I have no main drains
2 in the standpipe system. The standpipe systems are old
3 and they have no main drains. Now they are cited
4 thousands of dollars for not doing a main drain test on a
5 main drain that doesn't exist. They have to install main
6 drains in standpipe risers, they have to do a main drain
7 test on every standpipe riser, every riser in the
8 building. So if I come in with a lead into the building
9 and I have a header and I've got five risers come out of
10 the header, I have to do five main drain tests on that
11 header. Because it's a main drain test. We're not
12 testing the main drain. We're testing water supply.

13 This is an editorial change. Historically, I
14 have never seen anybody come into a building and test
15 five risers standing side by side for a main drain test.
16 Historically, they have done one main drain test,
17 verified there's no problems with the underground. And,
18 if there is problems, it's almost entirely due to either
19 close vein or rocks or something in the underground main.

20 The argument that was made during the meeting
21 was that you could have a dropped valve, and using other
22 methods to do this test or not testing all five risers
23 would not expose a dropped valve in a sprinkler system or

1 standpipe system.

2 From a procedure standpoint -- Let me back up.
3 The committee's comment was they saw no particular reason
4 or no conflict in the wording of using main drains, which
5 I totally disagreed. It would be huge confusion out in
6 the industry if everybody knew the interpretation was
7 that you had to do five main drain tests if you had five
8 risers. That would be total confusion.

9 Secondly, I learned, and the reason one of Mr.
10 Huggin's was mentioned by Mr. Huggins, a lot of the
11 conversation that surrounded the committee meeting was
12 this was dropped valve, yet the comment never mentioned
13 the reason being this dropped valve. And being I'm a
14 little bit older now and I'm not as quick as I used to
15 be, I did not get my thoughts quickly about me when time
16 for the NITMAM comes, so I didn't make a very valid
17 argument.

18 But you've got to a situation where you could
19 have a high-rise building where you have a floor control
20 valve on every floor, and are you telling me, and maybe
21 Mr. Isman is telling me that, that their interpretation
22 is that I have to do a main drain test on every sectional
23 valve on every floor control valve?

1 I know that the NFPA 25 requires that if I have
2 a pressure regulating valve I have to do a full flow
3 test, which makes sense because you want to make sure
4 that that particular pressure regulating valve
5 functioned. NFPA 25 also already requires that I do
6 maintenance on these valves on a period basic anyhow. If
7 I have a problem with that valve, I should discover that
8 problem when I do specific maintenance on that valve. To
9 continue to dump water in the system and to continue to
10 create the need to do water flow tests or, in the case of
11 my client, to add main drains just because they can
12 perform this test that doesn't need to be performed, I
13 think this thing is getting out of control.

14 I think I'm asking for a relief to get this
15 thing back under control, to make sure that it's clear
16 what the original committee's intent was. What it's
17 always been, the intent, in my entire career was to make
18 sure the underground water supply wasn't impaired and to
19 give some definite direction to this problem. It's
20 clearly just an editorial change. All I basically said
21 was change it from main drain test to water supply test.

22 Now the problem that, I'll let Ken speak for
23 himself, but I'm going to paraphrase, he wants us to do a

1 main drain test on all five risers. I'm making the case
2 I don't even need to do a main drain test because one of
3 the changes that Mr. Isman introduced into the code I've
4 have to put a (inaudible) in to full flow the backflow
5 preventer. I've got a perfect mechanism to full flow the
6 underground main to test it to make sure I have plenty of
7 water coming into the building.

8 The main drain test, especially the types of
9 buildings I'm familiar with, warehousing, stuff like
10 that, can't tell you if you have a partially closed valve
11 or not anyhow because I have three or four thousand
12 gallons of water flowing in my systems, and so now I'm
13 doing five main drain tests and I can't really tell for
14 sure if I have problem. Whereas, if I test the
15 underground water supply off my test header that I put
16 for my backflow preventer, I know what kind of water I
17 have coming into the building.

18 Again, it's a very simple change. Change the
19 word main drain to water supply test. That's it. It's
20 very straightforward. Thank you.

21 THE CHAIRMAN: Any additional comments?

22 MR. DON HOPKINS: Hughes Associates. I'm
23 speaking in support of the appeal on behalf of the New

1 York State Office of Mental Health as well.

2 I agree with Mr. Burkhart. I don't think
3 adequate substantiation was provided throughout for
4 rejecting the initial proposal. The intent as outlined
5 in the documentation provided in the appeal of this code
6 provision is to test the incoming water service, and
7 there are many ways that can be done, and historically
8 the committee has rejected proposals to require main
9 drain tests throughout when you have multiple systems
10 which is the exact opposite of what's trying to be done
11 here.

12 I think that the proposal as put forth does a
13 good job of clarifying the intent of the code which is
14 simply to test the adequacy of the incoming water service
15 in a systematic manner that allows for comparison on an
16 annual basis, so we can see if there's deterioration of
17 the water supply. Nothing in the historical
18 documentation indicates it was testing whether or not a
19 valve has failed. If it is, most likely it's going to be
20 in a varigated valve which we can't visibly inspect which
21 are the only ones we don't typically monitor, so we'll
22 provide that.

23 THE CHAIRMAN: Mr. Isman.

1 MR. ISMAN: National Fire Sprinkler
2 Association.

3 I'm sympathetic to the problem Dave brings up,
4 but I honestly believe he's brought it to the wrong
5 forum. First of all, let me state that we're talking
6 about NFPA 13 here and sprinkler systems. Sprinkler
7 systems need a main drain. They need a main drain on the
8 sprinkler system side of the system control valve because
9 we need some way to get the water out of the sprinkler
10 system when we need to drain it down to do maintenance
11 and work on the sprinkler system.

12 So the purpose, the real purpose of a main
13 drain, as its name implies, is to get the water out of
14 the sprinkler system and drain it down so that we can
15 work on it.

16 If we were to actually do what Mr. Burkhart has
17 proposed, we would be taking the words main drain out of
18 NFPA 13 and replacing them with the words water supply
19 test connection. I understand why he's trying to do it,
20 but it actually creates problems because it's getting rid
21 of the concept of a main drain being there to drain the
22 system.

23 Now, we put this main drain on the sprinkler

1 system side of the control valve because that's where it
2 needs to be in order to drain the system. In the 1990s,
3 when the NFPA 25 Committee was first formed, and I was on
4 that first NFPA 25 Committee, wrote that first edition of
5 NFPA 25, we said, okay, we need to find some way of
6 testing the ability of the water supply to get water all
7 the way from the water supply all the way through the
8 underground, all the way through all of the potentially
9 closed valves or partially closed valves, and prove we
10 can get water to the sprinkler system, but we have a
11 device that would allow us to do that called the main
12 drain. So, yes, we called it the main drain test because
13 that's what the device was already called. The test was
14 to make sure you could get water all the way through all
15 of the valves to the sprinkler system. That's in NFPA
16 25.

17 Over the years I agree that test has grown into
18 something else. But I think Mr. Burkhart's real beef is
19 with the NFPA 25 Committee. I don't think it was ever
20 the intent of the NFPA 25 Committee to require that main
21 drains be added to standpipe systems so that standpipe
22 systems would have to be able to run a main drain test.
23 But that's got nothing to do with NFPA 13. We here

1 talking about NFPA 13 and the pieces of equipment we need
2 to put on a sprinkler system to make sure it works.

3 Yes, there are times when we have multiple
4 sprinkler systems in a building that use a common
5 underground pipe to connect a common water supply to
6 multiple sprinkler systems. It happens in big warehouses
7 where we have multiple sprinkler systems in a warehouse,
8 it happens in high-rise buildings as you mentioned. In
9 those circumstances, I think the NFPA 25 Committee is
10 saying right now, yes, we need to do individual main
11 drain tests to prove all of those control valves are
12 open. Because if you only do one main drain test, yes,
13 that proves your underground is okay, but it doesn't
14 prove the individual system valves are okay.

15 Now I think you should go to the NFPA 25
16 Committee and talk to them about amending that because I
17 think there are ways that you could rotate through those
18 main drain tests when you have multiple systems in a
19 building and still prove that everything is okay on a
20 fairly regular basis. But I don't think it's proper to
21 come to the NFPA 13 Committee and change the terminology
22 for this device that we need to have on the system side
23 of the control valve.

1 So we are opposed to what you are trying to do
2 here on NFPA 13.

3 THE CHAIRMAN: Mr. Burkhart, I realize you want
4 to respond to those things that Mr. Isman raised. I'm
5 going to open it up to questions from Council. You'll
6 also have the opportunity to kind of respond.

7 MR. HUGGINS: I bring that topic up as one of
8 my two-part questions. The first part is you identified
9 the interesting term "code creep" which I like and listed
10 quite a bit of research. Did you see anything in your
11 research that indicated a justification for a change of
12 intent for the tests?

13 MR. BURKHART: No. I didn't see anything on
14 the research. The only discussion that I saw that was
15 anything that was a little bit awkward was actually your
16 proposal to add, to require standpipe systems of Class 2
17 in nature to be tested even though a main drain at that
18 point in time was not required on a standpipe system. I
19 thought that was a little odd. The only reason being in
20 my 25 or 30 years of being in fire protection, I have
21 only seen one time where Class 2 standpipes were used to
22 replace fire extinguishers. That was because the
23 architect screwed up on fire extinguisher cabinets.

1 The committee then went as far as to require a
2 quasi main drain test, even though a main drain wasn't
3 required on the standpipe system, by referring back to
4 the sprinkler main drain test.

5 So the reason I started, my intent was to start
6 with NFPA 13, go to 25, go to 14. I didn't think the 13
7 argument was going to drag out so long, and I was going
8 to miss the next cycle 25, but it happened. But it has
9 to go back to the original source of where main drain
10 came from, and the idea of a main drain came from 13.

11 MR. HUGGINS: I mean, the focus was testing the
12 underground.

13 MR. BURKHART: It was always the focus to test
14 the underground. Even your comment wasn't clear, but it
15 seemed your intent was to test the underground.

16 MR. HUGGINS: The second part was to address
17 the issue that just came up of do you see if your comment
18 was accepted by the committee that it would eliminate the
19 need for a main drain itself which has a totally
20 different function?

21 MR. BURKHART: No. Absolutely not. There's
22 actually two sections of the code. If you go back to
23 pre-1994, this particular section I'm trying to change

1 was referred to as the water supply test. It says you
2 have to do this water supply test and, oh, by the way,
3 you can go to this other section of the code that defines
4 main drain, which is still there, I didn't propose
5 changing that, which says you need to have a drain in the
6 system. You can use that drain valve as a way to test
7 the system. It didn't say you had to use that drain
8 valve. It said you can use that drain valve as a way of
9 testing underground water supply.

10 So, Ken, I didn't change that section of the
11 code. That code still requires a drain.

12 During my research I was kind of surprised
13 since I understand by, you know, titles and code sections
14 are not enforceable. Nowhere in NFPA 13 does it really
15 say you need a main drain. It says you need to have a
16 way of draining the system. That's kind of one of those
17 weird things you discover when you do this code research.
18 There is no requirement right now for a main drain. The
19 header says main drain, but nowhere in the body of the
20 code does it actually say you have to have a main drain.
21 It says you have to have ways of draining the system and
22 this is how you do it.

23 I didn't change any of that. All I changed was

1 the requirement for a test header. All I want to do is
2 make it perfectly clear to everybody I only have to do
3 one test, I don't have to keep on retesting five main
4 drains to keep on dumping more and more water. I'm
5 having a hard enough time out there now getting
6 jurisdictions to allow me to do a hydro flow test because
7 of the water supply issues around this country.

8 And, Ken, I have to totally disagree. I can't
9 see having to do a main drain test on every floor of a
10 high-rise building. But if that's NFSA's intent, I guess
11 I'd better get to work on NFPA 24 and work on that, too,
12 because that seems like an awful waste of water.

13 MR. HUGGINS: Final follow-up. Well, is it
14 your intent to pursue something on NFPA 25 which Ken
15 identified as the real driving piece?

16 MR. BURKHART: It was my intent. When I
17 finally, after I started slowing down on 13, I looked at
18 the cycle, I thought, oh, my gosh, I missed the cycle.
19 But, yeah, that's going to be a few years down the road
20 unless I can convince the committee comment somehow
21 somehow, because I have missed the deadline for proposals
22 on NFPA 25.

23 THE CHAIRMAN: Further questions?

1 MR. JARDIN: To Mr. Burkhart, I want to make
2 clear what your position is relative to the procedural
3 aspects of your dealings with this issue. It's kind of
4 clear it failed at the proposal stage, the comment stage,
5 and you weren't successful on the floor. I want you to
6 make clear for the record what procedurally was lacking
7 here in terms of the process.

8 MR. BURKHART: Procedurally what was lacking in
9 the process was the comment that there was no, that there
10 was no conflict or no misunderstanding of what the word
11 main drain test meant. Actually, quite frankly, I didn't
12 think there was. I thought everybody agreed with my
13 opinion until I heard that, you know, when I got to the
14 NITMAM meeting that there was this big discussion on
15 dropped valves in the riser. Because the only thing --
16 If I used or if I did one test in five risers to prove
17 the underground, obviously I wouldn't be flowing water
18 through the main control valve of the other four risers.

19 So the big deal that was made was this dropped
20 valve. That valve, the stem could be out, the monitor
21 device from the fire alarm system could be on it, but
22 somehow somehow that pin would have dropped, and I wasn't
23 going to discover that pin through my testing of that

1 individual valve that NFPA 25 requires me to test and
2 maintain that individual valve. Of course, I have to do
3 it in the right order because I have to maintain test and
4 do everything with that valve and then do the main drain
5 test. Otherwise, it could collapse after I tested that
6 valve. It gets very confusing. So the procedure was
7 that there was no confusion.

8 But I think the comments that the committee
9 makes are extremely critical to understanding the code
10 process, and the lack of clarity. This whole valve
11 discussion was discussed at the meeting and I don't find
12 out about it until I'm ready to make my discussion about
13 it on the floor at the NITMAM is a procedural problem
14 because, again, I didn't have time to clearly think
15 through what that position was or what that meant to have
16 a dropped valve.

17 Again, even to go back and look at NFPA 25 and
18 say, hey, wait a minute, NFPA 25 already requires me to
19 do maintenance on individual valves anyhow. I should
20 discover a problem with an individual valve doing my 25
21 maintenance. The underground water supply test should
22 not be the mechanism. And it even says in the appendix
23 of NFPA 25 that is not the main mechanism for testing

1 whether a valve is malfunctioning or not. It says it in
2 the appendix.

3 Water supply test is a water supply test is a
4 water supply test. My client doesn't want to pay for
5 eight in a building that only requires one. I don't want
6 to waste -- My client is an environmentalist, he doesn't
7 want to waste the water to test eight when he only has to
8 do one. My client doesn't want to go back, and, again,
9 this is not a 13 issue but it will ultimately lead from
10 the 13 issue, he doesn't want to have to test standpipes,
11 he doesn't want to have to add main drains to standpipe
12 systems that were in existence because NFPA 25 requires
13 you to do main drain tests in a standpipe system. And
14 it's not even clear what that means.

15 If I come into a building, I separate it into
16 four risers, am I doing four main drain tests or one main
17 drain test on a standpipe system? I don't know. I
18 thought I was clarifying it. I thought I was going to
19 make it very clear we are doing a water supply test and
20 not a bunch of main drain tests.

21 THE CHAIRMAN: Mr. Jardin.

22 MR. JARDIN: One follow-up. If I can
23 understand, within the context of NFPA regulations

1 governing committee projects and policies and procedures
2 for the code change process, your issue has to do with
3 the committee statements relative to your proposals and
4 comments?

5 MR. BURKHART: Correct.

6 THE CHAIRMAN: I guess I want to make sure.
7 Mr. Burkhart, you're asking essentially in your appeal
8 for us to accept Comment 13-104 which is your comment?

9 MR. BURKHART: That's correct.

10 THE CHAIRMAN: So that being clear, Mr. Isman,
11 I just wanted to go back to the point that was made
12 because he's changing some terminology and he also
13 referenced another section of NFPA 13 that dealt with the
14 main drain issue. Can you elaborate a little bit on
15 where you're saying that by accepting this comment it
16 creates problems for the standard, and maybe relate that
17 a little bit to the other section that dealt with main
18 drain that Mr. Burkhart mentioned?

19 MR. ISMAN: Sure. Mr. Burkhart is correct that
20 there's another section that talks about making sure you
21 have a drain on a system. But, as he said, it doesn't
22 actually say you shall install a main drain. This is
23 actually the section where it says you shall install a

1 main drain. And, admittedly, it talks about the reason
2 for it here is to be a test connection, and that is one
3 of the reasons or the uses of it. But it needs to be
4 coupled together with that drain discussion in the
5 previous portion of Chapter 8 where it talks about sizing
6 of that drain and the purpose of that drain for getting
7 water out of the system. Right now NFPA 13 has those
8 kind of locked together. If we had changed the
9 terminology in one of those areas, then they're no longer
10 locked together.

11 The section he mentioned before about
12 potentially using this main drain to supply this water
13 flow test, that wouldn't be here. That language that was
14 in the standard previously that Mr. Burkhardt mentioned
15 doesn't, I don't think, appear in his language here. So
16 we end up losing this inner connectability of these two
17 sections within the standard by changing the terminology.

18 THE CHAIRMAN: Mr. Burkhardt, I guess you
19 indicated in your comments that you thought this was
20 pretty straightforward and everybody you talked to
21 basically agreed with you. But can you explain why the
22 comment was basically 25 to zero to reject the comment?
23 I mean, because the folks, I presume, on the technical

1 committee are some of the folks you're bound to be
2 talking to because they're pretty involved with this.

3 MR. BURKHART: Maybe or maybe not. I deal with
4 mostly people who design/install systems, not necessarily
5 people who have a vested interest for other reasons, like
6 for the gentleman from Victaulic who may be on the
7 committee.

8 No, I wasn't at the particular meeting. I
9 can't say, other than the fact that I believe what
10 happens over time, and I have seen it in my career, as
11 people make a little bit of a misinterpretation of
12 standard, they get an opinion of what it meant or why it
13 was put in originally, and that could pass down like a
14 cancer, and people's opinions of what his history was.
15 And I use the word code creep. People need to go back
16 and read the original documentation, the reasoning why
17 people put stuff in the code to begin with to understand
18 what the original intent was.

19 I go back to the very beginning of my career.
20 I put some of that documentation in here. The test,
21 historically speaking, sprinkler systems were very
22 simple. 99 percent of the time what was available to do
23 the test was the main drain test, the main drain that was

1 used to do the test. It was not required up until 1994.
2 And I don't think the intent was in 1994 to actually use
3 it. They were using -- They introduced a slang because
4 it was so clear in the industry that the slang was used
5 and it got introduced into the documentation.

6 But up until this day and age I had no clue
7 that anybody would interpret this standard to say I had
8 to do more than one main drain test when I only had one
9 lead coming into the building.

10 THE CHAIRMAN: Mr. Isman, did you want to
11 respond?

12 MR. ISMAN: I wanted to respond to that in that
13 the NFPA 25 Committee specifically addressed this issue
14 in the 1990s. And I'm sorry that Mr. Burkhart didn't see
15 it or understand it, but the intent of the NFPA 25
16 Committee is to require this main drain test to be run on
17 individual systems. And you can see that intent in the
18 language of NFPA 25 which specifically says you have to
19 run a main drain test after every time that a valve is
20 closed and reopened again and on quarterly or annual
21 basis, depending on how the water supply is arranged.

22 So by inserting that language in the 1990s that
23 you have to run the test after each time a valve is

1 closed and opened again, the purpose of which being to
2 prove though the valve is open, the committee is saying
3 that their concern is making sure that system valve is
4 open.

5 So to say that you didn't know that that was
6 the committee's intent, when the committee made that
7 change more than ten years ago to point out that is their
8 intent, I think is a little disingenuous in that that may
9 not have been the intent many years before, before there
10 was an NFPA 25, but the committee that wrote NFPA 25
11 spent a long time studying this issue and came out with
12 that ruling that is how they wanted things to to go and
13 that's what we are supposed to do.

14 Putting changes into NFPA 13 now ten years
15 after that is not the way to approach that. I think if
16 you disagree with the intent of the 25 Committee, that's
17 where you need to go.

18 THE CHAIRMAN: Any final questions from members
19 of Council?

20 Mr. Burkhart, if you would like to make some
21 closing.

22 MR. BURKHART: Well, Ken, I'm sorry that you
23 had the opportunity to participate on that committee and

1 I did not.

2 However, I've done an awful lot of research
3 preparing for this meeting, I have not found that
4 documentation where the committee's intent was there to
5 do that. I believe that it's just as likely that the
6 committee's process could have been to just pick up on
7 the slang of the main drain test.

8 Again, I don't think it's totally unreasonable
9 once you start doing the maintenance on a system to go
10 through an underground test to make sure you didn't close
11 a sectional valve on the underground or something like
12 that. I'm not necessarily sure that requiring a main
13 drain test after maintenance is solely for the purpose of
14 testing that particular valve. And it could be that
15 valve was shut down by underground or some other thing
16 not monitored electronically.

17 You've got to remember all these risers
18 nowadays are either chained open or electronically
19 supervised, and NFPA 72 indicates it really should be
20 electronically supervised. And I know of very few valves
21 that are anymore just chained open. They're mostly
22 electronically supervised. If that valve is not open,
23 then that valve is not open, but the fire alarm system

1 should sure as heck know that it's not opened. And so if
2 you want to do a main drain test on it to make sure that
3 a rogue valve was not closed, then I think it's a good
4 idea, and I agree with you on that particular issue.

5 I also disagree with Ken in the fact that I
6 that I did not change the code, the code clearly would
7 allow you to use the main drain as one of the test
8 methods now. But, again, if I had the choice, I very
9 seldom ever do that. We, I can't speak for everybody, I
10 designed a test header on every system as NFPA 13
11 requires a mechanism for full flow and back flow
12 preventer, I put at least double siamese test header
13 around there to make sure I can full flow the back flow
14 preventer. Much better way of testing the underground.
15 I don't think for that one particular valve which is
16 already maintained by 25, which has electronic monitoring
17 on it, needs that kind of help and that kind of
18 supervision to cause all of this additional cost to
19 maintain the system when most of my clients can't afford
20 to maintain for 25 and they pick and choose now as it is.

21 THE CHAIRMAN: Close up anything?

22 MR. HOPKINS: I want to point out one item. We
23 can't speak exactly toward what the intent of NFPA 25 is

1 because we haven't been able to find it in the research.
2 It is very clear that the intent of NFPA 13 throughout
3 has been this connection be for testing the degradation
4 of the water supply. And the proposal as put forth or
5 the appeal maintains that. And you can test that in any
6 means, whether it be through a back flow preventer test
7 connection, the main drain connection or otherwise. You
8 can continue to do that with this.

9 And I disagree in any way that this allows for
10 the removal of a main drain from the sprinkler system.
11 There are plenty of other places in NFPA 13 where it
12 requires complete drainage of the system and provides the
13 required sizes for those drains. Whether you want to
14 call it a main drain or auxiliary drain, every portion of
15 the system has to be drainable. Whether we start our
16 system at the riser check valve or back flow preventer,
17 we are going to need to have provisions to drain
18 everything from that point regardless.

19 THE CHAIRMAN: Mr. Isman, any closing comments?

20 MR. ISMAN: Thank you for your time.

21 THE CHAIRMAN: We will bring this hearing to a
22 close. I want to thank all of you for your participation
23 in the NFPA process. A decision will be issued by the

1 secretary of the Council after the Council completes its
2 deliberations. That decision is the only means by which
3 any decision will be communicated. No member of NFPA
4 staff nor member of the Council is permitted to discuss
5 that decision. Again, thank you.

6 We will go off the record for about a
7 five-minute break. We have two more hearings left. I
8 want to wrap these hearings up before lunch.

9 (Brief recess)

10 THE CHAIRMAN: If we can go back on the record.
11 The next item on our agenda is 09-8-2-b which deals with
12 NFPA 13D. First I want to get any statements from -- Let
13 me open it up with this. There are essentially two
14 appeals that deal with NFPA 13D. We are handling them as
15 separate appeals. I recognize that they are related in
16 some of the discussions and there are some folks that are
17 speaking on the second appeal and not speaking
18 necessarily on the first appeal. I would ask all of you
19 that are speaking to this issue to respect the fact they
20 are two appeals, but I don't want to try to rehash the
21 same issues twice over that if, indeed, the same issues
22 are related. So we will finish this first one and then
23 go into the second one, but sort of keep all of that in

1 mind so we can try to use our time as efficiently as
2 possible and not sort of redo the same issues a second
3 time.

4 So this particular one that we are dealing with
5 is to overturn the floor action and accept Proposal
6 13D-27 and 13D-30. I would first ask are there any
7 statements from Council members.

8 MR. BELL: I would like to note for the record
9 I am a member of the TCC on Sprinkler Systems. As a TCC
10 member, I participated in the consideration of and voting
11 on issues that appear to be related to this appeal. I
12 have, therefore, reviewed my obligations under the Guide
13 For Conduct of Participants in the NFPA Process to
14 consider whether there is any reason for me to recuse
15 myself from consideration of this appeal.

16 I have concluded that I do not have any views
17 that are or would appear to be fixed concerning the
18 issues, and I am fully able to give open and fair
19 consideration to this appeal. For the record, therefore,
20 I have considered the matter and believe that I can
21 fully, fairly and impartially fulfill my role as Council
22 member on this appeal.

23 THE CHAIRMAN: And also, primarily for the

1 benefit of Council but others in the room, if this is the
2 first time you have been here today and you have not
3 introduced yourself for the record, I would ask you to
4 take a minute to do so so that we can understand who
5 is in the room.

6 FLOOR: Tracy Column, NFPA staff.

7 FLOOR: Jonathan Hart, NFPA staff.

8 THE CHAIRMAN: Anyone else? Everybody else has
9 been here.

10 I recognize, gentlemen, you're here for the
11 appeal, and I'm going to move into that. And if you
12 would very quickly introduce yourselves for the appeal.
13 I just need clarification on who's speaking for and
14 against.

15 MR. SKARE: Eric Skare, representing Uponor,
16 speaking for the appeal.

17 MR. PILETTE: Mr. Chairman, chairman of the
18 Residential Sprinkler Committee here. I'm here only for
19 Council research, if they need to ask a question.

20 THE CHAIRMAN: Just state your name again for
21 the record.

22 MR. PILETTE: Maurice Pilette.

23 MR. CABRAL: Mike Cabral. I work for REHAU,

1 Incorporated. I'm here to speak in favor of the motion.

2 MR. BITTENBENDER: John Bittenbender with
3 REHAU, also here to speak in favor of the appeal.

4 MR. GOLINVEAUX: James Golinveaux with Tyco
5 Fire Suppression and Building Products, here to speak
6 against the appeal.

7 THE CHAIRMAN: Mr. Brown, are you speaking?

8 MR. BROWN: Not speaking. Larry Brown,
9 National Association of Home Builders.

10 THE CHAIRMAN: As we have been doing with all
11 the hearings, gentlemen, for those of you speaking in
12 favor of the appeal, if we can try to take about
13 ten minutes, you can utilize that however you would like.
14 We will do the same for those opposed to the appeal.
15 Then we will take questions from Council, and then allow
16 wrap up.

17 Mr. Cabral, however you would like to start.

18 MR. CABRAL: I also came to the same conclusion
19 you did about the technical information that comes to
20 bear on both of the appeals that are before this Council
21 are very similar. It was my intention to kind of cover
22 all of the information that I think would pertain to both
23 of them and then make a summary on each separate issue at

1 the conclusion of the technical arguments. I think that
2 may be a reasonable way to best utilize your time. I
3 recognize you have a lot on your agenda. If there's no
4 objections to that, then we'll kind of approach it in
5 that manner, if it's acceptable.

6 THE CHAIRMAN: That's fine. Just recognize
7 that because we have people speaking on one and not
8 necessarily on the other, that as you do your summary we
9 will still go into the other hearing, and there's
10 certainly nothing wrong with you being able to come back
11 and say this is a quick summary I made on the issue
12 before. So however you would like to use that time is
13 really up to you. We have structured them separately. I
14 didn't want to go over the same technical information
15 twice.

16 MR. CABRAL: I understand. That was really my
17 intent as well.

18 So we are dealing with the first issue which is
19 the motion of 13D-27/35 which deals with a standalone
20 system for PEX products or, as it's listed in the
21 standard, 130 psi 120 degree F nonmetallic pipe. This
22 proposal actually failed and, gratefully, give me an
23 opportunity to speak, actually failed at the ROP, failed

1 the ROC, failed the floor vote, yet here am I again to
2 speak upon the motion.

3 The reason I'm doing that is because I think
4 it's very closely related to the other appeal which we
5 have which I think will make more sense as we delve into
6 the technical issues that are involved in both of them.

7 I guess if you read most of the text and
8 communication about the objections to these motions has
9 to do with the idea of lowering the standard from the
10 175 psi 150-degree rating that's been established by the
11 standard for some 150 years or so. What I would like to
12 submit is that there already is in 13D a standard for
13 130 psi at 120-degree F pipe. It's already there. There
14 is now subject to and limited to multi-purpose systems.
15 So the standard has already been established. We're not
16 asking to reduce the standard. We're just asking to
17 reflect upon the application and the ways that we can
18 manage the materials operation within a given design and
19 assemblies.

20 I would like us to not lose sight of what the
21 genesis of 13D was. It was to be able to provide
22 affordable fire protection for one- and two-family
23 dwellings. When we consider some of the issues that were

1 considered during the development of the standard, just
2 to name a few, a ten-minute water supply or seven-minute
3 water supply, no valve supervision, no water flow
4 detection, use of non-listed components such as tanks and
5 pumps, I think that there was a lot of concessions made
6 at that point.

7 It's my view that had this material been around
8 and available in this marketplace at that point in time,
9 that the consideration for 130 psi would have been
10 considered and gone through without a whimper, in my own
11 personal view. Based upon the types of pressures that we
12 see for residential dwellings, the 130 psi at 120 pipe
13 is, in our view, aptly suitable for the application.

14 I would like to speak just for a moment about
15 how we obtained through UL the listing of the material.
16 UL has a five to one safety factor for the testing of the
17 pipe which would require 875 psi burst pressure. Our
18 material is not a thermal plastic. It's a thermal set
19 plastic which gives some flexibility and allows us to
20 handle higher temperatures a little bit better. So it's
21 really not a true comparison in the standard.

22 However, we have a burst pressure of 750 psi.
23 Again, that's pretty substantial when you're looking at a

1 system that on average is going to see a hundred pounds
2 or eighty pounds on its best day. There's also a
3 long-term test that is done at 260 psi at its rated
4 temperature for 16,000 hours at a minimum which we have
5 passed and have been approved and listed for. In
6 addition, we have one manufacturer of the product has
7 gone through UL, and we also have an exposed listing
8 under a smooth flat ceiling which we have successfully
9 passed those tests as well.

10 So I think the product is a lot more robust
11 than a lot of people really give it credit for.

12 There are a couple of things in the standard I
13 wanted to review. That is, there's a reference in the
14 standard, an equivalency of 1.4 which states, let me turn
15 to that page, "Nothing in this standard is intended to
16 restrict new technologies or alternative arrangements
17 provided that the level of safety prescribed by the
18 standard is not reduced." I think that we already have,
19 as I mentioned, 130 psi at 120-degree F listing in the
20 standard, so we are not doing anything to satisfy that.
21 I think objections to this flies in the face of that.

22 Also, we have accepted material under approved
23 -- authority having jurisdiction -- oh, under definitions

1 approved acceptable to the authority having jurisdiction.
2 Also, I wanted to point out system working pressure. The
3 maximum anticipated static pressure non-flowing or
4 flowing pressure applied to the sprinkler system
5 components exclusive of surge pressures. That's really
6 the pressure end we're talking about. There's a lot of
7 conversation about thermal expansion of pressure buildup
8 due to thermal expansion, and I don't think that really
9 comes into play by the way I read this.

10 I would also like to read the definition of
11 what a multi-purpose system is, 3.3.9.3. "A piping
12 system intended to serve both domestic and fire
13 protection needs." That's a very, very vague definition.
14 Nowhere in that definition does it say it has to have a
15 fixture connected to it, no number of fixtures, type of
16 fixtures, locations. It's just a very, very vague and
17 plain definition.

18 The following definition of network system,
19 which we think is more readily fully integrated with all
20 the plumbing fixtures does refer to the two fixtures. I
21 think that's where the majority of the opposition to what
22 we are attempting to accomplish really is being applied
23 to the network type systems, not so much the improvements

1 upon the initial product that was brought into the
2 marketplace which had multi-port fittings.

3 I don't want to hog all of the time. If
4 someone else has something they wanted to contribute.

5 Eric, you wanted.

6 MR. SKARE: Thank you again. Eric Skare
7 representing Uponor, now speaking in favor.

8 I would just like to bring up a couple of
9 points. Uponor produces tubing very similar to that
10 produced by REHAU, and there's no need to go into the
11 properties of the tubing.

12 Mr. Bittenbender has provided a substantial
13 amount of documentation and details with the supplemental
14 agenda documentation. But what I would like to just
15 mention is in reference to the 175 psi rating, it's been
16 stated, from my understanding, that that tradition of
17 that pressure requirement has been a tradition within the
18 standard and that's what ensures a properly performing
19 sprinkler system. I guess, in my opinion, what I look at
20 is a properly performing sprinkler system puts out or
21 controls a fire.

22 If we are looking at the performance of a
23 sprinkler system in terms of what it is designed to do,

1 that pressure doesn't come in to play. Specifically,
2 when we are talking about using a pressure reducing
3 device to limit the pressure, the components used in that
4 system shouldn't need to have an extra 50 percent safety
5 factor built on to it to perform as a sprinkler system.
6 Now, if the goal is to minimize leaks or potential
7 problems, then I think there are other ways to approach
8 minimizing those types of problems, and they would
9 actually more focus on cold weather, fitting reductions,
10 connection reductions, and installation methods, not so
11 much a high pressure requirement. That doesn't appear to
12 be what is causing problems with residential sprinkler
13 systems that are installed today.

14 So, lastly, I guess -- I'll save my other
15 comment for the second appeal. Thank you.

16 THE CHAIRMAN: Mr. Bittenbender, did you have
17 anything you wanted to add in the opening comments?

18 MR. CABRAL: Show and tell.

19 MR. BITTENBENDER: I'm an engineer.

20 THE CHAIRMAN: As long as you're not hooking it
21 up to anything.

22 MR. BITTENBENDER: Basically, I guess what I
23 just wanted to, before Mike summarizes what we discussed,

1 really get down to what we are talking about here. And
2 this is a UL listed -- approved NFPA 13D fire sprinkler
3 system. It's been recognized in the standard for the
4 past ten years. Since the '99 edition and the subsequent
5 2003 edition, this is a recognized fire sprinkler system
6 for 13D applications.

7 Basically, you have your fire sprinkler pipe
8 and then you have a drop down to a plumbing fixture.
9 Nothing in the standard right now defines what that is or
10 how many of these you need.

11 Now what we are talking about on this first
12 appeal is just looking at a little bit of a different
13 strategy for basically allowing control of the pressure
14 in the sprinkler system and the way to control it,
15 instead of having your plumbing fixture, is to have a UL
16 listed pressure relief valve on the system. These are
17 common. This is a residential riser. There are numerous
18 companies out there that sell risers exactly like this.

19 What our request is or the appeal is today is
20 to say that while this is an acceptable means for
21 protecting single family homes, we also feel this is as
22 well. And the only difference in here is this is a
23 completely UL listed system, whereas, in this case, which

1 is still recognized by 13D, your plumbing connection does
2 not have to be UL listed. So it's still an adequate
3 level of safety. It's not lowering the standard, and the
4 UL listed pressure relief valve is very familiar for fire
5 sprinkler contractors. So really we don't see any
6 difference in these two systems, nor do we see this
7 request as lowering the standard.

8 THE CHAIRMAN: Thank you.

9 I'll go to Mr. Golinveaux, if you would like
10 to.

11 MR. GOLINVEAUX: James Golinveaux with Tyco
12 Fire Suppression and Building Products. I'll be speaking
13 against this appeal.

14 The NFPA 13 D standard first issued in 1975 has
15 performed very well. Over the past 34 years, it's a very
16 robust standard, it's designed for life safety, and it's
17 done a very good job. I used to sit on NFPA 13 when 13D
18 was in its purview, so I'm very familiar with the
19 development of the 130 psi 120-degree Fahrenheit criteria.
20 It was established by the multi-port fitting process. I
21 believe it was Wirsboro who brought it to the committee.

22 You did a great job of explaining the
23 difference between the standalone system and multi-

1 purpose because a standalone system does not have
2 plumbing fixtures attached to it. That's been the heat
3 of the debate here.

4 And the appeal, this first appeal that we're
5 really talking about is exclusively the standalone
6 system, really has nothing to do with the multi-purpose.
7 And the standalone system resoundingly by the technical
8 committee, 22 to two on the first ROP, and then
9 consistent through the whole process is, no, we are not
10 going to lower the pressure or the temperature criteria
11 for piping for a standalone systems. There was debate
12 and controversy on the multi-purpose which is the next
13 appeal, but on this appeal the committee was very
14 consistent with its opinion and the floor vote was very
15 consistent that, no, we're not going to allow this to
16 occur in the standalone system. It was the multi-purpose
17 which is the next appeal that we will talk about some of
18 the technical merits.

19 I have a number of concerns and issues relative
20 to the reason the committee is being proposed to drop
21 from 175 psi 150 degrees to 130/120 respectively. I'm a
22 big proponent of residential sprinkler systems being
23 installed. As Tyco participating with NFPA on the

1 residential initiative, we expect to go from 30,000
2 single family homes being sprinklered to 750,000 single
3 family homes being sprinklered in the next seven years on
4 an annual basis. So we fully expect this market with the
5 backing of the intent of NFPA and the life safety of what
6 we are going to provide is a good thing.

7 I think cost is very important. So I will
8 support anything that I believe is going to reduce costs
9 and provide the same sort of dependability and
10 reliability that we have established to date. What I
11 haven't seen is cost data that proves that lowering the
12 standard for standalone systems is going to provide some
13 sort of value or benefit to the end users of the NFPA for
14 this reduction in pressure and temperature that is going
15 to give us a benefit. So I have asked for that, and I
16 have paid for, Tyco has paid for equivalent studies.

17 An example is a 1,200 square foot Habitat home.
18 We sent in a trained crew with CPVC to install a Habitat
19 house and wanted to determine the labor savings between
20 the lower pressure piping, the PEX piping, and CPVC. It
21 happened to be in Texas, it happened to be for a major
22 consultant that is running a lot of residential
23 initiatives. And a trained crew of two actually went in

1 and installed a 1,200 square foot single family home in
2 40 minutes. From the time they got out of the truck to
3 the time they installed 11 sprinklers and got back in
4 their truck was 40 minutes. So what I fail to see is why
5 we had to deteriorate from 175 psi to 130 to save more
6 than how many more minutes of that forty with a trained
7 crew of two.

8 And I'm not saying that -- Eventually we'll get
9 here, but the technical committee needs more information,
10 we need more debate, we need more time to get it right.
11 There are more controversial issues in the next appeal
12 which have to do with the definition of passive purge
13 because that threw a whole bunch of new things into it.
14 There's two things people want out of that. But this one
15 is a standalone system and purely just to reduce the
16 operating temperature and pressure of the piping method
17 which I disagree with.

18 THE CHAIRMAN: I'm going to open it up to
19 questions. Mr. Huggins.

20 MR. HUGGINS: Couple of quick questions. One
21 you indirectly touched on. But you had mentioned the PEX
22 says 13D system which there are two types, multi-purpose
23 and standalone. Were you stating that it's listed for

1 both, or just multi-purpose systems?

2 MR. BITTENBENDER: No. The UL listing is for
3 multi-purpose 13D applications.

4 MR. HUGGINS: For those systems where the
5 pressure will be higher than a 130 psi, do you propose
6 the relief valve is an acceptable means to reduce the
7 pressure since it will be open all the time?

8 MR. CABRAL: A pressure reducing valve --

9 MR. HUGGINS: Relief valve.

10 MR. CABRAL: That's two separate issues. The
11 pressure relief valve is to relieve pressure due to
12 thermal expansion which the technical committee expects
13 the toilet to do.

14 MR. HUGGINS: Excuse me. I think we're mixing
15 up the two. We're talking about the one, standalone
16 system with a relief valve.

17 MR. CABRAL: Right. There would be a pressure
18 reducing valve. Whether it was CPVC at 175, if the
19 pressure in the street was 190, they would have to step
20 it down to 175. If it was 190 in the street, we would
21 have to step it down to 130. So it really doesn't make
22 any difference because you can protect the material to
23 its rated pressure by the use of a pressure reducing

1 valve, no matter whose pipe you're using or type of
2 material.

3 MR. HUGGINS: And that was identified in your
4 proposal that it would have a PRV along with a relief
5 valve.

6 MR. CABRAL: Not in the proposal on this
7 particular issue by itself. It falls under the next
8 issue.

9 MR. HUGGINS: The last question I have is that
10 you had mentioned in your justification on the appeal
11 that you had a concern about a procedural issue dealing
12 with the task group chairman operating out of forum, and
13 you called it to the chairman and indicated that it was
14 addressed. Do you feel that the procedure was in the end
15 adequately followed?

16 MR. CABRAL: That objection was more in line
17 with the next particular motion on 1318, the task group
18 that developed CP11. I think that the technical chairman
19 handled himself impeccably in this issue, other than
20 putting the fox in charge of the hen house as far as who
21 was chairman of the committee.

22 And, you know, when the chairman of the task
23 group went to report back to the ROP meeting of the

1 technical committee, the task group chairman started to
2 report on his objections to the findings of the task
3 group before he reported to the findings of the task
4 group, which I objected to, and the task group committee
5 chairman acknowledged the fact and put the thing in its
6 proper order.

7 I just use that as an example of the type of
8 consideration that's given to manufacturers of the
9 material I make. We're kind of like the red-headed
10 stepchild of the fire sprinkler industry. And there's a
11 lot of concern about, in my view, some protectionism
12 about the main product used in the industry which is CPVC
13 and also from the labor standpoint that it's perceived
14 we're trying to bring plumbers into the business. If you
15 look at every one of my proposals, you don't see one
16 where we're trying to bring a plumber. We're trying to
17 bring this product into the fire sprinkler contractors'
18 hands.

19 MR. GERDES: I wanted to clarify one of your
20 statements, James. The issue before us is more than the
21 use of a pressure relief valve. Basically, they want to
22 extend the PEX into a standalone system?

23 MR. GOLINVEAUX: That is correct. Currently

1 they are listed to the multi-purpose, and it requires to
2 have plumbing fixtures in a combined system for their
3 listing. So the plumbing fixtures become, and I'll go,
4 if I may, back to the original because I was on the
5 original task group when PEX was allowed in. When we
6 met, the plumbing fixtures were going to be the quality
7 control. If anything happened to your piping system,
8 your toilet, your sink, your shower would not work, so,
9 therefore, you would fix your system. Because NFPA 13D,
10 a single family home isn't subject to NFPA 25
11 inspections. There's no city inspection for domicile.
12 You can't enforce to go into a single family home and say
13 you have to inspect and maintain your system on an annual
14 basis. So when the lower pressure and lower temperature
15 came in, we confined it to multi-purpose because if
16 anything happened your plumbing system wouldn't work.
17 Standalone we kept separate, just to give you a kind of
18 history to that. So that intent is to move over to
19 standalone, and, hence, a lot of my concern.

20 THE CHAIRMAN: Did you want to respond?

21 MR. CABRAL: I would. I wanted to just make a
22 quick point. And I respect Mr. Golinveaux and I respect
23 and appreciate all the work he does for the Association.

1 He's a tireless worker and has a wonderful reputation.
2 But I strongly disagree with him.

3 What we boil down to on this particular issue
4 is a toilet connected to a system is going to be a more
5 effective method of relieving pressure than a pressure
6 relief valve in a standalone system.

7 MR. GOLINVEAUX: That's the next issue.

8 MR. CABRAL: It's still the same issue.

9 Because a pressure relief valve -- A toilet is used to
10 relieve thermal expansion, pressure buildup due to
11 thermal expansion. We're saying, on the one hand, if we
12 have fixtures attached to it, then that's an appropriate
13 method; if we don't have fixtures attached to it, a UL
14 listed device is not an appropriate method. I just don't
15 understand how you can come to come to that conclusion.

16 THE CHAIRMAN: Mr. Harrington.

17 MR. HARRINGTON: Question for Mr. Cabral. When
18 you made your opening comments, I know you focused mostly
19 on the technical issues you were talking about. But I
20 know in looking at the letter here, you just focused on a
21 little bit of this with your recent comments on your
22 concerns and accusations the committee is out of balance
23 in the procedural aspect of things as opposed to the

1 technical. From the comments you finished making a while
2 ago, I assume you still feel that the committee is out of
3 balance and that's in large part what's at the root of
4 the issue here from your view?

5 MR. CABRAL: First of all, I don't want to
6 question the integrity of any member of the committee.
7 Everybody who serves on these committees has their own
8 vested interest. We serve to the bigger good of the
9 industry as well.

10 Like I said, one of the difficult things with
11 our particular product, because it comes from the
12 plumbing industry, we are perceived as unfriendly to the
13 fire sprinkler contractor or the fire sprinkler industry
14 in general. So, therefore, I walk into this and not
15 having support of labor. And then, if we have a
16 manufacturer who has a, you know, the 800-pound gorilla
17 in the marketplace who has representatives of three or
18 four manufacturers plus contractors who have associations
19 with those contractors, on this particular issue it's
20 difficult to be heard.

21 I really think that even though we -- I'm new
22 to the committee, new to this process. Based upon the
23 conversations I hear, I don't hear any or very much

1 dispute to the empirical evidence that I present, the
2 technical studies that I present. All we hear is the
3 same old rhetoric, but it still carries the day. So
4 that's where I really don't think we get a fair look
5 because of the preconceived conceptions of some of the
6 members of the technical committee.

7 Believe me, I'm not questioning their
8 integrity. But I just think it's human nature on this.
9 I don't know how we fix this particular issue. But
10 that's my own personal perception.

11 THE CHAIRMAN: Mr. Cabral, I just want to
12 follow-up. The discussion in Mr. Harrington's question
13 related to out of balance. You're really trying to make
14 a point about how the committee interacts. From the NFPA
15 procedures perspective, there's no argument about the
16 committee being in balance with respect to the number of
17 manufacturers or installers or maintainers or any of
18 those?

19 I'm just trying to clarify for the record when
20 we say out of balance, you're really talking about how
21 people might react to a particular issue, not what they
22 are necessarily classified as. Is that correct?

23 MR. CABRAL: I guess that is correct. Except

1 some of the groups are directed votes. I'm not sure if
2 that's a conflict with the rules and regulations. But
3 there are members of the committee who may think one way
4 but are forced by other ways to vote. I suppose that's a
5 fair way of doing things. I'm uncomfortable with that
6 because the committees that direct these directed votes
7 are not fair and balanced and don't make the effort that
8 the NFPA does to make sure that they're balanced, the
9 committees are balanced and even. These other committees
10 are kind of wide open, and I think it kind of slants
11 their positions on these directed votes.

12 THE CHAIRMAN: Just to kind of wrap this issue
13 up. If there's specific examples or instances where you
14 believe what you just said to be the case, you know, we
15 would be interested in knowing those specifically. You
16 need to understand when we place people on committees and
17 assign classifications to them, we do look at those
18 broader pictures you're talking about with respect to
19 where that directed vote or who they represent and so
20 forth might be.

21 So not necessarily for this meeting, but if
22 there are specific things that you have concern with over
23 that, certainly, you know, NFPA would like to understand

1 those better because that is part of the process we look
2 at overall.

3 Did you want to respond specifically to this
4 question over the balance issue or was there another.

5 MR. SKARE: I was going to make one short
6 comment related to that. Uponor which was formerly
7 Wirsbough was represented on the 13D or RSS Committee for
8 quite some time, and through some personnel changes we
9 had a bit of a lapse in our participation in this
10 technical committee. We are back now. Unfortunately,
11 the timing kind of missed most of the meat of the
12 process. And so I would submit that we would have liked
13 to have played a more active role through the ROP and ROC
14 and had the ability to make additional statements that
15 would have been similar or supporting to Mr. Cabral and
16 Mr. Bittenbender. That was our own fault, however, not
17 yours.

18 THE CHAIRMAN: Mr. Bell.

19 MR. BELL: I've got a question for Mr. Cabral.
20 I think in your opening statement you made reference to
21 the fact that the standalone systems in the NFPA 13D, the
22 requirement is 175 psi 150 degrees Fahrenheit. Is that
23 150 degrees Fahrenheit accurate or is it 120?

1 MR. CABRAL: It is 120. I'm sorry.

2 MR. BELL: So considering the 175/120 degrees
3 Fahrenheit what changes or impact does that have on your
4 product as far as meeting those requirements? What would
5 you have to change to meet a requirement of that nature?

6 MR. CABRAL: To meet 175?

7 MR. BELL: Yes.

8 MR. CABRAL: I don't know. We hear it bantered
9 about that the industry experts are telling people that
10 if you make your wall pipe thicker that you'll be able to
11 get the 175 psi rating. I don't know if that's true. We
12 are in manufacturing of that product. We have no
13 evidence that that can be achieved with assurity.

14 In addition, Mr. Golinveaux alluded to the
15 installation, the speed of installation has a lot to do
16 with the flexibility of the pipe and the way it can
17 eliminate fittings and you can form 90-degree turns.
18 That's essential to the success of the overall
19 installation of the product. If we do have to make the
20 product thicker, then we lose that advantage which is key
21 to the install cost, the overall install cost savings
22 that we see.

23 THE CHAIRMAN: Mr. Bittenbender, were you

1 wanting to respond to that question?

2 MR. BITTENBENDER: Just to add on to that.

3 Also keep in mind when you're thinking about that, as a
4 manufacturer right now I think between 30 to 40 percent
5 of new home starts basically have a PEX plumbing system
6 in it. When you start -- So if we have a product that
7 works for another application, then you start talking
8 about changing that product, now you're talking about
9 losing that economy of scale of production and
10 development and fittings and everything else.

11 So there are maybe ways as far as discussions
12 for making the wall thicker, but you also have to look at
13 the fact there's a proven product out there that's in 30
14 to 40 percent of all new homes right now that basically
15 for the last 15 years has proven it works. Now you're
16 talking about extending that into another application
17 which is fire sprinkler systems.

18 THE CHAIRMAN: Mr. Jardin, did you have a
19 question?

20 MR. JARDIN: No.

21 THE CHAIRMAN: Any further questions from
22 Council?

23 MS. BRODOFF: I just wanted to point out for

1 the record that the regulations governing committee
2 projects does contemplate constructed votes by
3 organizational representatives, and I just, without going
4 into much detail, just site 3.2.2.1A and 3.2.4.1.

5 THE CHAIRMAN: Any further questions? Any
6 final comments to wrap up on this issue?

7 Mr. Pilette.

8 MR. PILETTE: Council members, Maurice Pilette,
9 Chair of the Residential Committee. I wish to point out
10 that this had gotten quite a bit of attention during the
11 cycle. Not only was adequate debate taking place during
12 the ROP and ROC, we even had a pre-ROP. So there was
13 three committee meetings on this. Not only did those
14 take place, there were task groups assigned to totally
15 vent this issue. And during the ROP and ROC meetings
16 themselves, adequate time, and very liberal from the
17 Chair's point of view, to have guests or anybody speak
18 for or against this particular issue.

19 If you look at the voting record of the
20 committee members through the entire process, you'll see
21 that they spoke clearly and definitely on the technical
22 issues on this thing. And that is what should be looked
23 at this particular point.

1 THE CHAIRMAN: Thank you.

2 Mr. Cabral, any final closing comments on this
3 particular issue?

4 MR. CABRAL: You had asked a question about a
5 specific example of where a directed vote, even though it
6 is allowed, influenced the committee. Was that one of
7 your questions?

8 THE CHAIRMAN: Your implication to the Council
9 was that apparently people were classified correctly, but
10 somehow their vote direction changes that classification.
11 My only comment was if you believe that those are issues
12 in the process, we would like to understand those.

13 MR. CABRAL: I'll pass on that.

14 THE CHAIRMAN: Any closing comments then to
15 close out the issue?

16 Mr. Golinveaux, any closing comments from your
17 perspective?

18 MR. GOLINVEAUX: I strongly believe in the
19 process. I think the 13D Committee did a great job in
20 debating the issue.

21 THE CHAIRMAN: With that, we will bring this
22 particular item to a close. Again, I would reiterate a
23 decision will be issued by Miss Cronin, the Council

1 secretary, after the Council arrives at that decision.
2 That written decision is the only means by which the
3 decision of the Council will be communicated. No member
4 of NFPA staff nor Council member will be permitted to
5 discuss that issue.

6 That being said, we are going to go directly
7 into the next item which is 09-8-2-a-1 which I think the
8 same folks are involved in this issue. This is again an
9 item on NFPA 13D. The appeal is to uphold the floor
10 action and reject Comment 13D-18.

11 If I could just get who is going to be speaking
12 in favor of this appeal. There are four of you.

13 Speaking against? Mr. Golinveaux.

14 MR. OLAH: I may ask to be heard just in case.
15 My name is Andy Olah with Lubrizol.

16 MR. CABRAL: He's not on the list.

17 THE CHAIRMAN: Just to clarify, there was a
18 comment about being on the list. We try to understand
19 who is coming, but there's not a restriction with respect
20 to the hearings about who can speak on an issue.

21 We're going to follow the same thing. Again,
22 I'll just reiterate, recognizing the discussion we just
23 had sort of about the overall picture, I'm going to ask

1 this one kind of focus in on this specific issue that is
2 associated with, and I'm not a sprinkler person, but I'm
3 gathering pressure relief in some manner. You guys will
4 correct me, obviously, if I didn't capture that
5 correctly.

6 But, Mr. Cabral, are you leading this off then?

7 MR. CABRAL: Again, much of the same technical
8 information we discussed just previous to this new appeal
9 directly pertains to this new appeal.

10 I would just like to briefly give some history
11 on this process. We did have a pre-ROP meeting, as the
12 technical committee chairman mentioned. There a task
13 group formed at that meeting, at which time the task
14 group was assigned to deal with definitions primarily.
15 The task group chairman was anxious to try to expand his
16 area of responsibilities for all issues that were
17 pertaining to multi-purpose and multi-purpose systems.
18 The chairman of the technical committee limited the task
19 group's scope of responsibility.

20 We subsequently had the task group meeting on
21 one or two phone meetings. We developed a committee
22 proposal, CP11, which was presented to the ROP with much
23 discussion, and it was approved at the ROP process.

1 At the technical committee, this is the issue
2 where I talk about directed votes, the Engineering and
3 Standards Council from the NFSA had met. They gave us an
4 opportunity to make a presentation, which we were very
5 grateful to. We made a presentation to them. However,
6 we weren't able to convince the majority of that
7 membership to not submit a comment against the accepted
8 ROP. And I think Mr. Isman, I sense reluctantly, wrote
9 the comment and submitted it to the ROC process.

10 At the ROC, it carried through the ROC, and it
11 was very quickly done, and that resulted in our floor
12 vote. We had the floor vote on the very same issue, and
13 we were successful on the floor vote.

14 We subsequently had a vote through the
15 technical correlating committee which we did achieve
16 three-quarters majority of the technical correlating
17 committee. However, we did not get the required
18 two-thirds vote for the technical committee. I believe
19 the vote was 16 to 10. So that led us to this point
20 where we have this appeal.

21 I would like to, if Ken wouldn't mind just
22 saying a few words about this, I'd appreciate it.

23 MR. ISMAN: The National Fire Sprinkler

1 Association. I speak in favor of the appeal which I
2 recognize could be a little confusing because I'm on the
3 other side of the issue in the ROC.

4 For those of you at the NFPA meeting in June, I
5 apologized for the confusion that might cause, and I
6 tried to explain the process by which our Association has
7 had a change of heart on this issue between the ROC
8 meeting and this hearing. I won't go through all of
9 those issues. I'll leave those comments that I made at
10 the NFPA meeting in June to speak for themselves. You
11 have the transcript available to you to go through those
12 comments.

13 But I think what you have to understand is this
14 is a very difficult subject for the National Fire
15 Sprinkler Association. We have manufacturers of CPVC
16 pipe that belong to our Association and we have members
17 of PEX pipe that belong to our Association. We have
18 contractors that have invested themselves heavily in
19 training their employees to use CPVC pipe and we have
20 contractors that are trying to develop a trained staff in
21 using other types of pipe, like PEX pipe. We have
22 members of our Association, both manufacturers and
23 contractors, who feel very strongly about this situation

1 on both sides. So it has been difficult for us as an
2 Association to come to a consensus.

3 Where we stand right now, since our change of
4 heart between the ROC and this meeting, is that our
5 contractor members are looking for alternative products
6 and products that they can use to compete with the
7 plumbers who are currently allowed to use PEX pipe.

8 Right now under NFPA 13D a plumber can install
9 a sprinkler system using PEX pipe as long as they connect
10 it with the other domestic fixtures they're installing
11 within the dwelling unit, but a sprinkler contractor is
12 prohibited from using PEX pipe because they don't have
13 the plumbing license necessary to install that multi-
14 purpose system. So we have contractors who are concerned
15 that they're being cut out of the marketplace by the way
16 NFPA 13D is written, and they would like us to support
17 this appeal to give them the opportunity to compete with
18 this alternative product.

19 Now, there has been some discussion, and I
20 didn't want to get involved in the discussion on the
21 previous appeal, but I can get into discussion on this
22 appeal, this discussion of the makeup of the committee.
23 There's no question that the committee is in balance

1 using the NFPA's definition of how a committee is
2 balanced. But what the NFPA has to recognize is there
3 are multiple manufacturers of CPVC pipe on the 13
4 Committee and there are multiple independent contractors
5 on the 13D Committee that are classified differently but
6 they have an investment in the training of their
7 employees and installing CPVC pipe.

8 Those two groups together form close to a third
9 of the committee, so it's very difficult for the
10 committee to reach the two-thirds necessary to change the
11 NFPA standard when two separate groups have this vested
12 interest that are classified separately on the committee.

13 Now, given all of that, the committee was still
14 able to achieve a 74 percent agreement at the ROP stage
15 with the use of PEX pipe on these passive purge sprinkler
16 systems, and a lot of people recognize these passive
17 purge systems as the next logical step forward in the use
18 of PEX pipe. They weren't comfortable going all the way
19 to the full standalone system that you discussed in the
20 previous appeal, but a number of people, 74 percent of
21 the NFPA 13D Committee, were comfortable with taking the
22 next step and going beyond a full integrated,
23 multi-purpose system and taking the next step of comfort

1 in using the PEX pipe in a passive purge system which
2 still incorporates a single fixture.

3 One of the reasons the committee needed to
4 clarify this step without the action that the committee
5 took at the ROP is the committee needed to clarify that a
6 passive purge system is either a standalone system or a
7 multi-purpose system. Without that clarification, there
8 was ambiguity in NFPA 13D as to whether or not you could
9 use the PEX pipe with this single fixture because there
10 were a number of people that are interpreting 2007 and
11 previous editions of 13D as a system with a single toilet
12 on it being a multi-purpose system and being allowed to
13 use the PEX pipe.

14 So the committee took a step back. They said,
15 well, let's define this passive purge system to make sure
16 people understand which side of the line this falls on.
17 They defined it as a type of standalone system, but it
18 was a type of standalone system they were comfortable at
19 least at the ROP stage in saying you can use the PEX pipe
20 with it.

21 Now, things got a little more heated at the ROC
22 stage, and you know the comment was submitted and
23 approved by the committee, but then the NFPA membership

1 agreed they wanted to be able to use this PEX pipe with
2 the passive purge system. So this is a little bit
3 different than many of the other appeals you have heard
4 today in that the process has not been absolutely
5 consistent on one side or the other on this issue. It's
6 gone back and forth.

7 But I believe that all of the ballots have been
8 close, and, in fact, even the most recent ballot on this
9 issue only failed the two-thirds necessary by one vote to
10 be able to use the PEX pipe on the passive purge systems.
11 And given that it did achieve a 74 percent in favor at
12 the ROP stage and given that we have the concerns about
13 the vested interests in two different categories being
14 able to get together and vote on this in a committee and
15 potentially keep a product off the marketplace, we
16 believe the Standards Council should step in here and
17 allow the use of the pipe rated at 130 psi at 120 degrees
18 Fahrenheit in the passive purge systems.

19 THE CHAIRMAN: Thank you.

20 Anything further on those opening comments?

21 MR. CABRAL: I think we're good.

22 THE CHAIRMAN: Mr. Golinveaux.

23 MR. GOLINVEAUX: To clarify, the intent of this

1 appeal is doing a couple of things. It's adding a new
2 definition. It's called passive purge. And passive
3 purge was just a new term that came up for, what Ken
4 said, a system that we didn't know where it exactly fell.

5 I disagree with lowering the standard in
6 pressure and temperature rating for a licensing issue.
7 To say that fire sprinkler contractors aren't licensed to
8 do plumbing or plumbing is not licensed to do fire
9 protection is not the business of NFPA 13D. 13D is to
10 get a fire sprinkler system installed to the highest
11 quality.

12 As a manufacturer, I want trained installers,
13 people who are competent to install my product. To say
14 we need to create definitions to put barriers or drop
15 barriers between licensing issues in cities or counties
16 or states is inappropriate. So I don't want to lower the
17 debate into a licensing issue over who can install the
18 system because that's not the intent.

19 We have a pressure rating and a long-standing
20 requirement for the pressure of the standalone systems.
21 Passive purge is being defined as a type of standalone,
22 so it goes over to the standalone side.

23 Passive purge is allowed to be installed today.

1 There is no restriction to install a passive purge system
2 today. It's called a multi-purpose. The multi-purpose
3 clearly in Section 5213 says, excuse me, in the
4 definition of multi-purpose, a piping system intended to
5 serve domestic and fire protection needs. So you can
6 install a PEX system with a single toilet on it today
7 under the multi-purpose definition, whoever can install
8 it. Doesn't matter if it's fire protection or plumbing,
9 as long as they're licensed in their city, county or
10 state to do that type of work. There's nothing
11 prohibiting PEX from this market today.

12 The intent is to move it over to a type of
13 standalone system that creates some confusion to, I
14 guess, the city officials that would say, okay, that's a
15 standalone system, therefore, it can be installed by a
16 licensed fire sprinkler contractor.

17 But as testified by Marshall Klein on the floor
18 who is part of the ICC or the building code process, he
19 says, "But what is going to end up governing is your
20 national plumbing codes in the different jurisdictions.
21 That passive purge because it will still have a plumbing
22 fixture on it, and based on the definition it is part of
23 the water distribution system." To say 13D is going to

1 differentiate how the plumbing code handles a toilet on a
2 system, it's going to be a multi-purpose system.

3 I wish in retrospect we dealt with passive
4 purge separately as a definition. We wanted the
5 definition of passive purge because the industry wanted
6 some different type of system with a single toilet on it,
7 separate than the pressure rating because that is what
8 has thrown the big controversy in on this issue. If it
9 would have been handled separately, we would have passive
10 purge, no one would have argued with it as a definition.
11 But combining it with the 130/120 psi piping system is
12 what caused the controversy in my opinion.

13 I would hope we can go back, if Council upholds
14 the technical committee, that we can go back and
15 reintroduce passive purge as a separate definition
16 through the process, re-debate the pressure rating and
17 temperature of the piping as to whether it's appropriate
18 for a passive purge or whether passive purge is even
19 necessary as a definition.

20 I don't want to go back through all the other
21 things we talked about, but I think I have tried to kind
22 of clarify what is the technical issue and what this
23 controversy is coming from. I believe that the technical

1 committee has spoken. They spoke twice. They spoke at
2 the ROC and they spoke in relation to the floor vote.
3 They agreed this should go back to committee for further
4 debate. Whether anything can be handled later via TIA
5 for definition, because I still believe passive purge is
6 a necessary definition in the standard, but combining it
7 with the lower pressure rating is what caused the
8 controversy. I would hope you up uphold the technical
9 committee vote.

10 THE CHAIRMAN: I recognize you want to comment
11 on this, but I want to try to stick to the way we have
12 laid this out and allow the Council to ask questions.
13 I'm fairly sure that some of those opportunities will
14 come out for you to address some issues that have been
15 said or you'll certainly be able to address those as we
16 wrap things up.

17 Let me open it up to questions from Council
18 members. Mr. Huggins.

19 MR. HUGGINS: This is to Ken or Mike. I just
20 want to know, following on James's statement about this
21 falling under the umbrella of the multi-purpose system
22 because it's critical in the aspect of whether or not the
23 pressure is controlled by the plumbing code. Because

1 it's not explicitly stated in the text, but it's been
2 expressed at the floor that it does fall under the
3 plumbing code, the pressure on the system is, indeed,
4 controlled. Do you agree or disagree with that?

5 MR. CABRAL: I think that the text that exists
6 in the 13D-18 addresses that explicitly. Besides this
7 passive purge definition, there's other good work I think
8 that has been completed in this proposal. There was some
9 straightening out of some confusion on water supplies
10 that were addressed as well, also allowed the use of the
11 non-listed pressure reducing valve which serves the whole
12 industry for one- or two-family dwellings to protect
13 operating pressures for the pipe.

14 I think, the situation is I think everyone
15 likes to use most or all of the available water pressure
16 for the fire sprinkler system. Passive purge system I
17 think you still have to protect because by code the
18 plumbing fixtures are only rated at 80 psi. But I don't
19 read the text of our document to say that you can't put
20 the pressure reducing valve before the one single
21 fixture. So the sprinkler system is exposed to the full
22 pressure available, gallons per minute and psi available
23 to the system, and then pressure is reduced to protect

1 the plumbing fixtures, it still operates and then purges
2 any thermal expansion.

3 THE CHAIRMAN: Mr. Huggins, do you have a
4 follow-up question?

5 MR. HUGGINS: I just wanted to ensure that Ken
6 which is talking about the committee's perspective agrees
7 that the system doesn't have to be controlled by the PRV
8 other than the plumbing fixture, the 120 fixture.

9 MR. ISMAN: The toilet is a plumbing fixture.
10 It needs to be installed in accordance with the rules for
11 plumbing fixtures. There are tens of thousands of
12 passive purge systems already installed using CPVC and
13 copper tube. They either don't have a pressure problem
14 to worry about or they install a little pressure reducing
15 valve on the drop to the toilet which is not part of the
16 sprinkler system at all. I hope that answers your
17 question.

18 MR. HUGGINS: So you're proposing both of you
19 it's okay to submit the rest of the PEX system up to 175
20 psi as we would a standalone. Because that's what you're
21 telling me. You're only worried about the toilet.

22 MR. ISMAN: No. NFPA 13D doesn't allow you to
23 expose products to pressures in excess of what they're

1 rated for. If the PEX is rated for 130 psi at
2 120 degrees Fahrenheit, you have to make sure you don't
3 expose it to pressures in excess of its rating.

4 MR. CABRAL: It's clearly stated in the text,
5 in the proposal. Would you like me to read it? Yes?

6 THE CHAIRMAN: Did you get your question
7 answered?

8 MR. HUGGINS: Close enough. I think I'm good.

9 THE CHAIRMAN: Let's move on. Not being a
10 sprinkler person, quote unquote, can somebody just help
11 me at what -- I would say maybe I'm sufficiently confused
12 between multi-purpose, standalone, and this thing that
13 you have described as in between those two somehow. I
14 understand that piece, but at what point -- how many
15 things do I have to connect before you would tell me that
16 I wouldn't call it passive purge, I would call it multi-
17 purpose? Does it have to use the entire domestic water
18 system to be called multi-purpose? I'll open that
19 question to anybody.

20 MR. GOLINVEAUX: The answer is no, it's not
21 defined by 13D. So the installation of a single fixture
22 could be what would trigger multi-purpose as a definition
23 because that would serve both domestic and fire

1 protection needs.

2 MR. ISMAN: I need to disagree with Mr.
3 Golinveaux, respectfully. Right now in NFPA 13D it's
4 wide open. There are no really good definitions. The
5 whole point of the 2010 edition was to lock in some very
6 specific definitions. The definitions that we came up
7 with, three different definitions for three different
8 kinds of systems.

9 There's the standalone sprinkler system with
10 just feed sprinklers. There's the multi-purpose system
11 which is defined as supplying the domestic water usage
12 for the home. So the implication there is all of the
13 domestic fixture s. Then there's the passive purge
14 system which is defined as a standalone sprinkler system
15 with an additional connection to a single toilet.

16 So the intent of the committee was to clarify
17 that the passive purge system is not a multi-purpose
18 system. It's not supposed to be treated as a
19 multi-purpose system. It's a standalone sprinkler system
20 with an additional single connection to a single toilet.

21 The definition of passive purge systems is not
22 the subject of this appeal. That's why I was trying to
23 get that in earlier. The definition of passive purge is

1 not affected by this appeal. The appeal is on the
2 comment, and the comment did not affect the definition of
3 passive purge. Even though the comment refers to the
4 proposal that talked about the definition of passive
5 purge, the comment was not get rid of the whole proposal.
6 The comment was to delete specific words from the
7 proposal that are not in the definition.

8 So, regardless of what you do with this appeal,
9 the definition of passive purge as a standalone sprinkler
10 system that's connected with an additional connection to
11 a single toilet will remain in the 2010 edition of 13D.

12 THE CHAIRMAN: I'm going to ask a follow-up
13 question on that point, but I wanted to make sure
14 everyone had a chance to answer the previous question.

15 Did you have a comment on that particular item?

16 MR. SKARE: That was a point I was going to
17 make. The specific comment was will result, if not
18 included -- If the words that were to be deleted by the
19 comment are not included in the 2010 version of the
20 standard, then Mr. Golinveaux's statement that PEX can be
21 used for the systems will become untrue with the
22 publication of the new standard.

23 THE CHAIRMAN: Mr. Golinveaux, did you want to

1 comment on that?

2 MR. GOLINVEAUX: Yes, I do. I'm sorry. The
3 original task group, I believe, combined the two. If I'm
4 mistaken, that we can separate the floor action -- It's
5 not going to change my going against this appeal. If
6 passive purge stays as a definition, that's great, we
7 need the definition in 13D. But to put the lower
8 pressure piping as part of that criteria is what I'm
9 arguing against.

10 THE CHAIRMAN: A follow-up question I want to
11 ask on that point that you have just raised is if only
12 those words that -- Traditionally what's going to happen,
13 we have a proposal, we have a comment, you know, the
14 comment was rejected, it was passed on the floor, it was
15 rejected by the technical committee which generally
16 returns the text to previous edition text. That's what
17 we would sort of refer to as the default occurrence.

18 And the point that you're discussing right now
19 is that those words returned by the comment occur in part
20 of the proposal. And I understand the point that you're
21 making. The question that I really have to ask is if you
22 delete those words out of part of the proposal, and I say
23 delete because previous edition text, I'm presuming

1 there's not any associated with that, you can correct me
2 if I am wrong, but does the rest of the proposal make
3 sense then? Is the document still correct or have you
4 deleted something that now renders that whole section
5 useless?

6 Since that's coming up, I'll open that up to
7 anybody that would like to respond because that
8 information would become important to Council.

9 MR. ISMAN: I apologize. I don't have the
10 comment right in front of me. Thank you.

11 The original proposal addressed at least seven
12 sections of the standard. So the original proposal
13 addressed items in Chapter 3 and items in Chapter 5. My
14 understanding was the comment, since I wrote it, only
15 affected two of the sections in Chapter 5. If the
16 comment ultimately does not prevail, my understanding was
17 only the two sections in Chapter 5 that the comment
18 addressed would return to previous edition text, that the
19 other sections that were untouched by the comment would
20 still move forward because everybody has agreed those
21 have achieved consensus.

22 Now is it what I really want the standard to
23 say? No. But it still makes sense. It still helps to

1 define these different terms and put them in the right
2 context.

3 THE CHAIRMAN: Mr. Golinveaux, would you like
4 to comment?

5 MR. GOLINVEAUX: I would agree with Ken. If
6 the other sections of the ROP move forward that were not
7 touched by the ROC. It was my assumption since we were
8 debating the ROC was that all of this would go away
9 because it never met the full consensus. I thought the
10 ROP went away with it is the reason for my testimony.

11 If the definition stays and everything that
12 wasn't changed by the ROC, if that's the intent, if we
13 are just going to deal with delete "or passive purge
14 systems" which the ROC language, if that's what the
15 portion is here, this will still make sense, the ROP will
16 still make sense as the technical committee proposed it.

17 THE CHAIRMAN: These are obviously the
18 decisions that the Council has to make as they weigh the
19 entire record. What I'm most interested in from all of
20 you participating in this, does this satisfy concerns on
21 both sides of the issue? I'm just trying to understand
22 where that would put us in this.

23 MR. CABRAL: That would place us in probably

1 the worst case position that you could come up with, as
2 far as a 130/120 degree manufacturer. There is some
3 other good stuff that's in there, but without being part
4 of that section we lose the majority of the business that
5 we currently enjoy. Fire sprinkler contractors doing
6 everything they can to utilize our product with limiting
7 the number of plumbing fixtures that they can install,
8 that's been the method, that's what has grown this
9 segment of the industry, so fire sprinkler contractors
10 are qualified to install fire sprinklers, they can do it.
11 These leave an outlet for a qualified plumber who makes
12 the connection. Where they have jurisdiction, where we
13 can get that kind of cooperation, that's where this
14 method goes.

15 To be eliminated from that, again, we just have
16 to go to two fixtures. This further complicates the
17 matter.

18 A little bit of show and tell. This would be
19 okay, we have two outlets on this. Here's one outlet,
20 that would be not okay. We are really talking kind of
21 very minor, minor differences from a definition. But one
22 would be fine and one would not be. So, in essence, the
23 single outlet is okay for a standalone system with

1 175 psi, still have to protect the plumbing fixture which
2 would require a pressure reducing valve, so having a
3 pressure reducing valve to protect the plumbing fixture
4 using a piece of pipe rated at 120/130 would not be
5 acceptable in that one condition. It makes no sense.

6 When you add it together with the other
7 proposal, you say a toilet is a more, is a reliable
8 method of protecting the system for over pressurization
9 due to thermal expansion. I submit to this esteemed
10 committee that if the standard stated were required UL
11 listed pressure relief valve to relieve excess pressure
12 buildup due to thermal expansion, and I came with a
13 proposal to do away with the UL listed valve, I want to
14 use a toilet, I think you would take me out in the
15 parking lot and give me a beating. It makes no sense.
16 That's really what the technical committee has stated. A
17 toilet is more reliable method to relieve pressure from
18 thermal expansion than a UL listed device.

19 THE CHAIRMAN: I understand your point.

20 I want to go back just again. You have to bear
21 with me a little bit. I want to make sure of what you're
22 saying because this issue about what text remains or
23 doesn't remain.

1 Mr. Cabral, if you have the proposal in front
2 of you, I'm just trying -- The proposal itself. The
3 comment essentially removed the words, and this is
4 proposal, by the way, for the record, I'm reading off of
5 Proposal 13D-15A. The comment if, as you said, in that
6 comment returning to previous edition text, the previous
7 -- the only two paragraphs that contain those words, if I
8 caught them, are 5.2.1.3 and 5.2.5.3. And those would
9 return to previous edition text.

10 That previous edition text, I'm presuming that
11 what you're telling me now means that it only applies to
12 multi-purpose systems and we're back to the same
13 discussion about is one of these with one fixture a
14 multi-purpose system or not. Have I characterized that
15 correctly? Okay. Everybody is nodding.

16 MR. CABRAL: There's a lot of nodding going on
17 here.

18 THE CHAIRMAN: I do have one disagree.

19 MR. SKARE: I'm a little concerned about that
20 because -- I have a question about that. The three
21 sections that are not covered by this, they do impact the
22 previous edition text because they add now a definition
23 stating that a passive purge specifically is not multi-

1 purpose, it is standalone, and, therefore, PEX would not
2 be allowed in the systems it's allowed in today.

3 THE CHAIRMAN: Well, it's the exact reason why
4 I'm asking the question, is to understand if the
5 remaining text after that really makes any sense. If I
6 sort of look at what you're just saying, is that I have a
7 definition of passive purge, but the term is not utilized
8 in the standard, then where those two sections that went
9 to previous edition text that allowed you some provision
10 to use 130 psi at 120 F piping are now gone, so what
11 weight does the definition now carry? I realize I didn't
12 answer exactly what you said, but that's sort of the
13 basic reading that I get out of the text.

14 Mr. Isman, did you want to comment?

15 MR. ISMAN: The definition still serves a
16 purpose in that the term is a standardized term used in
17 the business and helps people to figure out what this
18 animal is.

19 I think I disagree with some of the
20 manufacturers of the product as to whether it should
21 still be in the standard or not. I like it still going
22 forward in the standard because it helps figure out where
23 to put these animals. They're concerned because it would

1 help people figure out where to put those animals and it
2 would not be beneficial to them. So I think there's
3 still a use for the definition that helps define what
4 this thing is.

5 THE CHAIRMAN: Is the term used somewhere else
6 in the standard then.

7 MR. ISMAN: Not within the standard, no.

8 THE CHAIRMAN: It would be a definition that
9 would not be used in the standard? If that's what
10 happens, that's fine. I'm just trying to get on the
11 record what the result of all this is, and we can take
12 all that into account in deliberations.

13 MR. OLAH: Just a brief comment. Might help
14 for clarification. My name is Andy Olah from Lubrizol.

15 Just draw our attention back to a comment James
16 made where he strongly recommended passive purge and the
17 pressure rating has to be considered through committee
18 independently. Because right now it sounds like we are
19 trying to patch it together or take part out. The way
20 they came through, they were coupled. They can't go
21 through that way again. James had asked in a previous
22 statement that these two have to be considered
23 independent in that process.

1 And, James, I don't want to speak for you, but
2 I needed to draw back to your comment.

3 MR. GOLINVEAUX: Passive purge as a definition
4 is a good thing because the reason it ever came about, if
5 you listened to all the argument, you would wonder why
6 did we ever need passive purge. We have a back flow
7 prevention requirement being enforced in single family
8 homes, an RPZ. When you only have 40 pounds of water
9 pressure coming into a single family home and you have to
10 put an RPZ on, you have to put a fire pump on the tank on
11 the other side because you don't have pressure left
12 because of static condition of the sprinkler system.

13 So passive purge was a creative definition that
14 water purveyors are allowing no back flow prevention on a
15 feed to a sprinkler system. So it's necessary as a
16 definition. And it's not for the use in 13D, but water
17 purveyors look at it a little bit differently to
18 eliminate the back flow preventer, if that's a fair
19 clarification, that it has value to the reduction of the
20 cost of a single family home sprinkler system.

21 THE CHAIRMAN: Miss Brodoff, do you have a
22 question?

23 MS. BRODOFF: I think I'm too confused. I find

1 it difficult to understand how a definition in 13D has
2 any value within the standard if that term is not used
3 within the standard.

4 I guess what I'm also driving at is does it
5 harm the appellants in a way that's not intended by
6 leaving it in there, if, in fact, the default action of
7 removing these two uses of the term passive purge are
8 removed? I mean, whatever sort of generalized
9 helpfulness this might have to the industry as a whole, I
10 would be concerned if the Council decides to go back to
11 previous edition text with respect 5.2.1.3 and 5.2.5.3,
12 that we leave in a definition that puts them
13 unintentionally in a worse position than they would
14 otherwise be.

15 So I don't know if that's clear. But if you
16 want to comment on that, I think that would be helpful,
17 Jim.

18 MR. GOLINVEAUX: I actually think it could
19 because it created a new category, but it says
20 standalone. It says passive purge is standalone. PEX
21 was never allowed or the lower pressured piping -- I
22 don't want to pick on PEX directly. The lower pressure
23 piping was never allowed into the standalone category.

1 So this is sub-definition of standalone. They were never
2 allowed there in the first place, so I don't know how
3 much harm that creates more than what they had before.
4 Because it's a sub-category. Like the network system is
5 a type of multi-purpose, passive purge is a type of
6 standalone.

7 THE CHAIRMAN: Mr. Bittenbender, did you want
8 to comment?

9 MR. BITTENBENDER: If we do move forward in
10 that direction, there's an unintentional impact on us
11 because, even as James pointed out, in the 2007 edition
12 you can use a 130 psi sprinkler system with one toilet
13 fixture. We have a lot of contractors that are doing
14 that right now. It's going on all over the country.

15 And the intent of this was to bring a
16 definition of passive purge in to basically recognize
17 that that type of system is allowed where you can have
18 one fixture, and you can basically minimize the amount
19 that you're bringing in through your domestic plumbing
20 system, whether it's water softeners or anything else.
21 That can go its own separate path.

22 If we were to move in this direction where we
23 basically just decided to still include the passive purge

1 definition in, then it would have an unintentional impact
2 on us because all of a sudden you're stopping people's
3 business. So that's why we want to move forward with how
4 this original CP11 was written to help identify that
5 that's a recognized system and that the technical
6 committee recognizes it.

7 MS. BRODOFF: I understand what you guys are
8 proposing as appellants. My only concern is if the
9 Council doesn't uphold the appeal for whatever reason,
10 the question has been raised, well, what is the previous
11 edition text that becomes part of the standard. And my
12 question was, and I don't want something to remain in the
13 standard that would unintentionally, even in terms of
14 what the committee was doing, be harmful to you as
15 appellants just in order to give some general good
16 information to the industry as a whole.

17 I guess I thought, Jim, your response was a
18 little bit equivocal on whether it would hurt or not.

19 MR. GOLINVEAUX: Listening to the argument, I
20 did make the statement that passive purge is being
21 installed today under the multi-purpose rules. So if we
22 did carve it out and put it over, it would harm them. If
23 we did eliminate or create the definition of passive

1 purge and the previous edition text says only multi-
2 purpose can be low pressure piping, then it would harm
3 them because, as Ken said, the tens of thousands of
4 passive purge systems that are installed today have been
5 installed under multi-purpose rules, I would assume.

6 THE CHAIRMAN: Miss Brodoff.

7 MS. BRODOFF: Presumably, the purpose, if the
8 Council does move to previous edition text, would not be
9 to put this issue in a different light than it is in
10 previous edition text. And it sounds like --

11 MR. CABRAL: If it goes back in its entirety.

12 MS. BRODOFF: Right. It sounds like the only
13 way to do that would be to eliminate the definition of
14 passive purge. At least there's a strong argument that
15 that would be the only way to ensure that the true
16 previous edition intent was complied with.

17 MR. CABRAL: That would be our position.

18 THE CHAIRMAN: Any final questions from members
19 of Council?

20 I'm going to give you very quickly -- We've
21 beat on this pretty hard. I would like to give you five
22 minutes to wrap anything up any final comments you would
23 like to make.

1 MR. CABRAL: I just have one quick comment I
2 wanted to make about pressure rating of pipe. The
3 175 psi rating has been around 125 years. I really don't
4 know where it came from. I'm told it comes from the
5 ability of a fire department connection to be able to
6 pump up regularly that kind of pressure.

7 We have a situation where we have a competitive
8 product that because they have a 175 psi rating they are
9 able to install their material in accordance with their
10 own rules and regulations and guidance. Because they
11 have 175, they can get special applications.

12 We have a situation where a CPVC product
13 installed in a two-by- twelve dimensional lumber in a
14 basement, exposed basement, has a 175 psi static pressure
15 rating; however, the residual pressure or flowing
16 pressure is limited to 100 psi. This is a system that
17 could have a a fire department connection to it, it could
18 be exposed to the 175, but in a fire scenario, the worst
19 case scenario, it's rated at 100 psi flowing. The last I
20 knew, 100 psi is less than 130 psi.

21 It's semantics, and I really just don't
22 understand why we are looked at, this 130 and 120-degree
23 F pipe is looked at in the light it is looked at. We

1 have been in business in the marketplace for ten years
2 without a failure. We don't have compatibility issues
3 that are facing some other issues, some other materials
4 in the industry. And with that I conclude. Thank you.

5 THE CHAIRMAN: Mr. Skare.

6 MR. SKARE: Very briefly, I just would like to
7 summarize again and bring back to the issue at hand. And
8 one of the most telling statements I think is that NFSA
9 is a technically sound, well respected, and an
10 Association representing a broad member base. As Mr.
11 Isman stated, wished they wouldn't have made the comment
12 in the first place. That was supported on the floor by
13 the Association, a three-quarter majority with the
14 technical correlating committee, and I think it just
15 touches briefly again on some of the concerns about how
16 the membership of the technical committee may be able to
17 be influenced. That the only group that didn't support
18 that floor motion, that doesn't support this moving
19 forward, is the technical committee. The membership, the
20 correlating committee, all speak in support of having all
21 of this text as the original proposal. Thank you.

22 THE CHAIRMAN: Mr. Pilette.

23 MR. PILETTE: Mr. Chairman and members of the

1 Council, I'm in support of this appeal. This appeal
2 should stay that Mr. Cabral was speaking to.

3 This decision has wide implication going
4 forward with what is happening on the national scene. It
5 also includes a competitor to NFPA 13D as we move forward
6 by the national building codes and the national plumbing
7 codes in this issue. If they were to take a different
8 viewpoint on this issue, you could end up having two
9 significant differences in which standards would be used.
10 And my own opinion, seeing what happens nationally and
11 also as a policy maker in this state, I can see 13D
12 becoming subservient to another particular standard in
13 this country which I don't believe that it would be in
14 NFPA's interest to do that.

15 This here, what is occurring with this appeal
16 further clarifies what the 2007 document permits now.
17 It's a matter of reading. The user has to read or the
18 enforcer or the installer has to read Chapter 3, Chapter
19 5, Chapter 6, and look at the annex material and combine
20 it altogether and say this is allowed. This makes it and
21 further refines it as to be in a user friendly document
22 to assist in the whole cross connection back flow
23 preventer issue and the importance of reducing costs all

1 the way around, and NFPA's recent mission to basically go
2 forward with residential sprinklers on a national scene,
3 more than we've ever seen in the past.

4 So as a committee chair, looking at this entire
5 issue, seeing what has occurred and looking at the vote,
6 even if you look at the vote of the ten members who voted
7 negatively on this thing, there's only a very small
8 portion that actually voted and argued on the technical
9 issues. You look at the vote, you know, it didn't make a
10 whole lot of sense. So taking everything into play, I
11 believe that to go forward becomes a social justice call.
12 This is for the public good on the national scene.
13 Residential sprinklers have made a very strong impact
14 going forward, and sometimes decisions of this nature
15 have to be made.

16 THE CHAIRMAN: Thank you.

17 Mr. Golinveaux.

18 MR. GOLINVEAUX: Just quoting a couple of
19 things that were said, there were a couple of new
20 arguments in closing comments, but I won't go into those.
21 But there has been tens of thousands of systems
22 installed, according to Ken, under the current rules, the
23 2007 rules, up to date that are passive purge systems

1 that are functioning. So upholding the process and
2 returning back to the 2007 text allows us to continue to
3 install tens of thousands of passive purge systems and
4 give us the next round in the technical committee to
5 debate the issues, to separate the issues, get the
6 appropriate definition, put it in the appropriate home,
7 and get the right pressure ratings and temperatures for
8 piping moving forward. Thank you.

9 THE CHAIRMAN: With that, we will bring this
10 hearing to a close. I do want to thank all of you for
11 your participation here today and your participation in
12 the process. We do appreciate your time and effort that
13 it takes to come and present these issues to the Council.

14 As I have mentioned before, the only decision
15 that will be issued by the Council will be issued by the
16 secretary, Miss Cronin. No member of the Council or NFPA
17 staff is permitted to discuss the Council's decision.
18 And I would also remind you if you are interested in that
19 decision and not directly on the list, make sure you hit
20 the sign-up sheet so you can get a copy of that as well.

21 Mr. Brown, did you have something necessary for
22 the record?

23 MR. BROWN: No.

1 THE CHAIRMAN: With that, we will bring this
2 hearing to a close and go off the record.

3 (Whereupon, at 12:38 p.m., the Standards
4 Council hearing recessed for lunch.)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

REPORTER'S CERTIFICATION

I hereby certify that the foregoing 208 pages contain a true and correct transcript of all my stenographic notes to the best of my ability taken in the NFPA Standards Council hearing held in Quincy, Massachusetts, on Tuesday, August 4, 2009.

CSR NO. 114893