26 August 2014

To: Interested Parties

Subject:

Standards Council Decision (Final): D#14-2
Standards Council Agenda Item: SC#14-8-2-a-1
Date of Decision*: 14 August 2014


Dear Interested Parties:

At its meeting of August 11-14, 2014, the Standards Council considered an appeal on the above referenced matter.

The Council’s Final decision is now available and is attached herewith.

Sincerely,

Dawn Michele Bellis
Secretary, NFPA Standards Council

c: D. Berry, S. Everett, L. Fuller, D. Beach, G. Colonna
Members, TC on National Fuel Gas Code (NFG-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA’s codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.
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Summary of Action (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to overturn the Association action on CAM 54-2, and Accept Second Revision 54-12 and any Related Portions of First Revisions 54-68 and 54-69.

DECISION:
At its August 11-14, 2014 meeting, the Standards Council heard an appeal from James Ranfone of the American Gas Association. The appeal requests that the Standards Council Accept Second Revision 54-12 and any Related Portions of First Revisions 54-68 and 54-69. The appellant seeks to retain requirements for the inspection of appliance installations following changes to the building envelope (with the exception of roofing changes). The effect of this action, if successful, would be to retain a proposed new section and corresponding annex material in the 2015 edition of NFPA 54, National Fuel Gas Code.

As background, the Technical Committee on National Fuel Gas Code (TC) developed First Revisions for NFPA 54 which added requirements for the inspection of existing appliance installations following changes to the building envelope. The First Revisions resulted in a new section with corresponding annex as part of the First Draft. At the Comment Stage, the TC developed a Second Revision that further revised this text in the Second Draft.

A Notice of Intent to Make a Motion was filed in compliance with NFPA Regulations Governing the Development of NFPA Standards (Regs) and was certified by the Motions Committee for presentation at the 2014 NFPA Technical Meeting (Tech Session). Certified Amending Motion 54-2 was made at the Tech Session and passed on the floor. As a result of the successful motion, removing the new text, the recommendation that comes to the Standard Council is to issue the standard without the proposed new section and related annex material.

The appeal requests that the Council overturn the result yielded by the NFPA standards development process. On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA standards development process.

Accordingly, the Council has voted to deny the appeal. The effect of this action is that the proposed new section and annex material relating to the inspection of appliance installations based upon changes to the building envelope will not be included in NFPA 54 (2015 Edition).