26 August 2014

Subject:
Standards Council Decision (Final): D#14-5
Standards Council Agenda Item: SC#14-8-4-f
Date of Decision*: 14 August 2014


Dear Interested Parties:

At the August 11-14, 2014 meeting, 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, R. Coté, T. Vecchiarelli, R. Solomon
   Members, TC on Animal Housing Facilities (ASF-AA)
   Members, TC on Fundamentals (BLD/SAF-FUN)
   Members, CC on Safety to Life (SAF-AAC)
   Members, CC on Building Code (BLD-AAC)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA’s codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing 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.
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 101-7, and Accept Public Comment 101-107.

DECISION:

At its August 11-14, 2014 meeting, the Standards Council considered an appeal from Joe Scibetta of Suwanee, Georgia. The appeal requests that the Standards Council accept Public Comment No. 101-107 for the proposed 2015 edition of NFPA 101® Life Safety Code®. Specifically, the appeal seeks to add a reference to NFPA 150, Standard on Fire and Life Safety in Animal Housing Facilities, within Chapter 41 of NFPA 101®.

As background, the appellant submitted Public Input No. 101-164 seeking to include a reference to NFPA 150 within Chapter 41 of NFPA 101®. The Technical Committee on Fundamentals (TC) responded to the Public Input No. 101-164 without revision to the First Draft. At the Comment Stage, Public Comment No. 101-107 was submitted seeking the same action. The responsible TC rejected the Public Comment No. 101-107, and as a result, no Second Revisions were developed.

Mr. Scibetta filed a Notice of Intent to Make a Motion in compliance with the Regulations Governing the Development of NFPA Standards (Regs) which was certified by the Motions Committee for presentation at the 2014 NFPA Technical Meeting (Tech Session). Certified Amending Motion 101-7, which sought acceptance of Public Comment No. 101-107, was made at the Tech Session and failed on the floor.

When a Certified Amending Motion seeks to amend the TC’s recommended text, and that motion fails on the floor of the Tech Session, the recommendation that comes to Standards Council is to issue the standard as developed by the TC. The appeal requests that the Council overturn the action recommended by the standards development process.

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

Accordingly, the Council has voted to deny the appeal. The effect of this action is that the 2015 Edition of NFPA 101® will be issued without the proposed reference to NFPA 150.
In denying this appeal, however, the Council discussed that during the next revision cycle, the technical committees for NFPA 101® may wish to explore the opportunity to address the issue of life safety for animal housing as a category of “special structure” rather than as a special occupancy.