11 September 2015

To: Interested Parties

Subject: Standards Council Decision (Final): D#15-7

Dear Interested Parties:

At its meeting of August 17-19, 2015, the Standards Council considered an appeal on the above referenced matter. On August 21, 2015, NFPA issued the Council’s decision on the appeal in the form of a “Short” decision which briefly stated the outcome of the appeal and which indicated that a full Final decision on the appeal would be issued in due course and sent to all interested parties as soon as it became available.

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

Sincerely,

Dawn Michele Bellis
Secretary, NFPA Standards Council

c: D. Berry, S. Everett, L. Fuller, K. Willette, K. Holland
   Members, TC on Fire Department Apparatus (FDA-AAA)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to Overturn the Committee Action and Accept Public Comment No. 154.

DECISION:
At its meeting of August 17-19, 2015, the Standards Council considered an appeal from James Brinkley of the International Association of Fire Fighters (“IAFF”). The appeal requests that the Standards Council Overturn the Committee Action and Accept Public Comment No. 154 for the proposed 2016 edition of NFPA 1901, Standard for Automotive Fire Apparatus.

Specifically, the appeal seeks to Accept Public Comment No. 154 which would result in the following text:

14.1.8.1 Each seating space shall have a minimum width of 22 28 in. (560 711 mm) at the shoulder level and 27 in. (686 mm) at the hip level.

The Council, having reviewed the entire record concerning this matter and having considered all the arguments put forth in this appeal, has voted to deny the appeal. The Council further voted to issue NFPA 1901, Standard for Automotive Fire Apparatus, 2016 Edition in accordance with the recommendation of the Technical Committee to return section 14.1.8.1 to previous edition text.

As background, the appellant filed a Notice of Intent to Make a Motion (NITMAM) in compliance with NFPA Regulations Governing the Development of NFPA Standards (Regs) which was certified by the Motions Committee for presentation at the 2015 NFPA Technical Meeting (Tech Session). Certified Amending Motion 1901-1 sought to accept Public Comment No. 154, which was rejected but held by the Technical Committee during the Second Draft Meeting. Certified Amending Motion 1901-1, was made at the 2015 Tech Session and passed on the floor. The ballot failed the Technical Committee on Fire Department Apparatus, however.

When a Certified Amending Motion seeking to accept a Public Comment is successfully passed on the floor of the Tech Session, then fails Committee ballot, the recommendation that comes to the Standards Council is to return the applicable text, if any, to previous edition text. The appeal requests the Standards Council Overturn the action recommended by the standards development process. In this case, the recommendation yielded by the process is to reject Public Comment No. 154, thereby returning to previous text in the 2016 edition of NFPA 1901, Standard for Automotive Fire Apparatus.
On appeal, the Council accords great respect and deference to the NFPA 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.

The present appeal requests that the Council overturn the action recommended by the standards development process. 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 NFPA standards development process. Simply put, the text of Public Comment No. 154 did not gain sufficient support within the Technical Committee for inclusion in the 2016 edition of NFPA 1901, Standard for Automotive Fire Apparatus.

The Council, having reviewed the entire record concerning this matter and having considered all the arguments put forth in this appeal, has voted to deny the appeal and issue NFPA 1901, Standard for Automotive Fire Apparatus, 2016 Edition.

During the Tech Session, comments were made about a NIOSH report on this topic (entitled “Seat and Seatbelt Accommodation in Fire Apparatus: Anthropomorphic Aspects”) that was in draft form at the time of review during the Technical Committee’s First and Second Draft Meetings. Given that this is an important safety matter and that it appears this report is now in final form, the Council directs the Technical Committee on Fire Department Apparatus to review and consider the final NIOSH report as part of the continuing evaluation of this issue and to report back to the Standards Council, prior to the Council’s April 2016 meeting with a description of if, and/or how, the Committee intends to address the conclusions reported in the final NIOSH report.

All Standards Council members participated in the consideration, deliberation, and vote on this issue.