9 September 2015

To: Interested Parties

Subject:

| Standards Council Decision (Final): | D#15-6 |
| Standards Council Agenda Item:     | SC#15-8-7-a |
| Date of Decision:                  | 19 August 2015 |
| NFPA 520, Standard on Subterranean Spaces, 2016 Edition |

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, R. Solomon, A. Fraser
Members, TC on Subterranean Spaces (SUB-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 Association Action on CAM 520-1 and thereby Accept Public Comment Nos. 1 and 2.

DECISION:
At its meeting of August 17-19, 2015, the Standards Council considered an appeal from Marcelo Hirschler of GBH International. The appeal requests that the Standards Council Overturn the Association Action on CAM 520-1 and thereby Accept Public Comment Nos. 1 and 2 for the proposed 2016 edition of NFPA 520, Standard on Subterranean Spaces.

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 520-1 sought acceptance of Public Comment Nos. 1 and 2, which would have resulted in the following text:

3.3.8 Noncombustible (Material). (See 4.1)
A material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials that are reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, shall be considered noncombustible materials.

Chapter 4 Construction Features
4.1* Noncombustible Material [NFPA 5000, 2015]
4.1.1 A material that complies with any one of the following shall be considered a noncombustible material:
(1)*The material, in the form in which it is used, and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat
(2) The material is reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 Degrees C
(3) The material is reported as complying with the pass/fail criteria of ASTM E 136 when tested in accordance with the test method and procedure in ASTM E 2652, Standard Test Method for Behavior of Materials in a Tube Furnace with a Cone-shaped Airflow Stabilizer, at 750 Degrees C [NFPA 5000-2015]
A.4.1 The provisions of 4.1 do not require inherently noncombustible materials to be tested in order to be classified as noncombustible materials. [NFPA 5000, 2015]
A.4.1.1(1) Examples of such materials include steel, concrete, masonry and glass. [NFPA 5000, 2015]

Renumber subsequent Sections & their corresponding Annexes

2.3 Other Publications.

2.3.1 ASTM Publications.


Certified Amending Motion 520-1 was made at the 2015 Tech Session. The motion failed on the floor.

When a Certified Amending Motion seeking to reject Technical Committee revisions fails on the floor of the Tech Session, the recommendation that comes to the Standards Council is to issue the standard as developed by the Technical Committee. The appeal requests the Standards Council overturn the actions recommended by the standards development process. In this case, the recommendation yielded by the process is to reject Public Comment Nos. 1 and 2, leaving text as developed and recommended by the Technical Committee on Subterranean Spaces in the 2016 edition of NFPA 520, Standard on Subterranean Spaces.

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 present appeal requests that the Council overturn the actions 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 developed during the standards development process gained sufficient support for inclusion in the 2016 edition of NFPA 520, Standard on Subterranean Spaces.

It is important to note that the Chair of the Technical Committee on Subterranean Spaces has indicated that the issue was raised late in the cycle, but that a Task Group will be appointed to look at the term “noncombustible material” to determine how it is used in NFPA 520, and to make recommendations as to how to move forward. The Chair has also indicated an intent to address the Task Group findings once the Task Group has completed its work.

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 520, Standard on Subterranean Spaces, 2016 Edition.

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