



Dawn Michele Bellis
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#16-6
Standards Council Agenda Item:	SC#16-8-2-b, c, d, g and h
Date of Decision*:	4 August 2016
NFPA 58, <i>Liquefied Petroleum Gas Code</i> , 2017 Edition	

Dear Interested Parties:

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

A handwritten signature in black ink that reads "Dawn Michele Bellis".

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: D. Berry, S. Everett, L. Fuller, L. Hartman, E. Nette
Members, Liquefied Petroleum Gases (LPG-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 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 concerning the Certified Amending Motions (CAMs) 58-2, 58-3, 58-4, 58-7 and 58-8 and Accept Public Comment Nos. 15–19.*

DECISION:

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal from Marcelo Hirschler of GBH International. The appeal requests that Standards Council overturn the Technical Committee amendment ballots on the following CAMs: CAM 58-2 to Accept Public Comment No. 15; CAM 58-3 to Accept Public Comment No. 16; CAM 58-4 to Accept Public Comment No. 17; CAM 58-7 to Accept Public Comment No. 18; and CAM 58-8 to Accept Public Comment No. 19, all for the inclusion in 2017 Edition of NFPA 58, *Liquefied Petroleum Gas Code*. Specifically, the appeal requests that ASTM E119, *Standard Test Methods for Fire Tests of Building Construction and Materials*, be specified as the test for fire resistance rating in Sections 5.2.7.1(B), 6.5.3.10, 6.8.4.5, 10.3.1.3 and 10.3.2.6 of the 2017 Edition of NFPA 58, *Liquefied Petroleum Gas Code*.

As background, the Technical Committee rejected Public Comment Nos. 15, 16, 17, 18 and 19. Mr. Hirschler filed Notices of Intent to Make a Motion (NITMAMs) which were certified by the Motion Committee as CAMs 58-2, 58-3, 58-4, 58-7 and 58-8. Each of the respective CAMs subject to this appeal passed on the floor of the NFPA Technical Meeting. However, the associated amendment ballots failed to achieve the necessary 2/3 affirmative vote necessary to recommend approval of the Association action by the Technical Committee.

The appeal requests that the Council overturn the results yielded by the 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 upon 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 Public Comment Nos. 15-19 and the language specifying that ASTM E119, *Standard Test Methods for Fire Tests of Building Construction and Materials* as the test for fire resistant rating will not be included in the 2017 Edition of NFPA 58, *Liquefied Petroleum Gas Code*.

In reaching its decision to deny this appeal, the Council understands that the NFPA Staff Liaison assigned to NFPA 58, *Liquefied Petroleum Gas Code* will work with the Technical Committee to have the Committee consider specifying, where and if appropriate, standards or other methods for establishing fire rating.