



Dawn Michele Bellis
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#16-9
Standards Council Agenda Item:	SC#16-8-3-f
Date of Decision*:	4 August 2016
NFPA 70®, <i>National Electrical 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, W. Burke, M. Earley
Members, NEC Code-Making Panel 8 (NEC-P08)
Members, NEC Correlating Committee (NEC-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 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 uphold the appeals to overturn the Association action on CAM 70-13 and Reject Second Revision No. 2110.*

DECISION:

At its meeting of August 3 – 4, 2016, the Standards Council considered the appeals of Amy Cronin of Strategic Code Solutions representing Cable Bus Manufacturers Association and Frederic P. Hartwell of Hartwell Electrical Services, Inc. The appeals request that Standards Council overturn the Association action on CAM 70-13 and Reject Second Revision No. 2110 for the 2017 Edition of NFPA 70[®], *National Electrical Code*[®]. Specifically, the appeals seek the rejection of the amended text within Section 370.80 as proposed for the 2017 Edition of NFPA 70[®], *National Electrical Code*[®] thereby returning the requirements for ampacity of cable bus conductors to previous edition text.

As background, Code-Making Panel 8 passed Second Revision No. 2110 thereby recommending inclusion in the 2017 edition of the NEC[®]. Appellant Frederic Hartwell filed a Notice of Intent to Make a Motion (NITMAM) that was certified by the Motions Committee as CAM 70-13. CAM 70-13 failed on the floor of the NFPA Technical Meeting. Appellants each filed an appeal for the Council’s consideration and determination.

The text sought by Appellants did not gain the necessary support within the standards development process for inclusion in the 2017 Edition of NFPA 70[®], *National Electrical Code*[®]. The appeals request 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 these appeals. In the view of the Council, these appeals present clear and substantial basis on which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to uphold the appeals. The effect of this action is that Section 370.80 of the 2017 Edition of NFPA 70[®], *National Electrical Code*[®] will return to previous edition text.

In upholding these appeals, the Council has considered all arguments advanced by the Appellants and, without commenting on each and every one, notes the following. The parties at the appeal hearing each acknowledge that there have been no reported safety issues involving the free air ampacity requirements for cable bus installations under the existing language of the NEC®. In addition, the Appellants and the NEC® Correlating Committee Chair, in particular, were amenable to the creation of a task group to delve further into this issue. Therefore, the Council, in addition to upholding the appeals, is directing NEC® Correlating Committee Chair, Mike Johnston, to assemble a task group to review the cable bus requirements in the NEC®. Specifically, the task group should include representatives of the cable bus industry.

Appellant Cable Bus Manufacturers Association additionally requests cable bus manufacturers or their representatives be included as code making panel members in the next revision cycle. The Council notes that following the completion of the revision cycle of the NEC®, membership on all CMPs is reviewed. Every effort is made to ensure that CMP members represent industries and interests impacted by the related standards development activity. The Council encourages all those with such interest to apply for CMP membership.