



Dawn Michele Bellis
Secretary, Standards Council

31 August 2017

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#17-4
Standards Council Agenda Item:	SC#17-8-14-a-2
Date of Decision*:	17 August 2017
NFPA 5000®, <i>Building Construction and Safety Code</i> ®, 2018 Edition	

Dear Interested Parties:

At its meeting of August 15 - 17, 2017, 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 cursive script that reads "Dawn Michele Bellis".

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: D. Berry, S. Everett, L. Fuller, R. Solomon, V. Boutin
Members, CC Building Code (BLD-AAC)
Members, TC Building Construction (BLD-BLC)
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.



Standards Council Decision (Final):	D#17-4
Standards Council Agenda Item:	SC#17-8-14-a-2
Date of Decision*:	17 August 2017
NFPA 5000®, <i>Building Construction and Safety Code</i> ®, 2018 Edition	

SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to uphold the appeal to overturn the Correlating Committee ballot results thereby upholding CAM 5000-1 to accept Committee Comment No. 1002.

DECISION:

At its meeting of August 15-17, 2017, the Standards Council considered an appeal from Sam Francis of the American Wood Council. The appeal requests that the Standards Council overturn the Correlating Committee ballot results for CAM 5000-1 and thereby accept Committee Comment No. 1002 for the 2018 Edition of NFPA 5000®, *Building Construction and Safety Code*® (“NFPA 5000”). Specifically, the appeal requests a revision to the provisions for allowing and protecting concealed combustible spaces in buildings of Type IV (heavy timber) construction.

As background, during the processing of the 2018 edition of NFPA 5000, the Technical Committee on Building Construction considered increasing the allowable height for heavy timber construction from five stories to nine stories for hotels and apartment buildings. At the second draft stage, this change was proposed in Committee Comment 1001. A related change with additional safety factors for the protection of certain concealed spaces in this type of heavy timber construction was also proposed as Committee Comment 1002. Ultimately, the proposal to increase the allowable height to nine stories failed the Technical Committee ballot but Committee Comment 1002, at issue in this appeal, passed ballot. However, the Correlating Committee, under the impression that the two changes were inextricably linked, processed a Second Correlating Revision to remove the text proposed by Committee Comment 1002. Thus, neither the proposed language in Committee Comment 1001 nor Committee Comment 1002 made it into the Second Draft of the 2018 edition of NFPA 5000.

Mr. Francis filed a Notice of Intent to Make a Motion (NITMAM) on each of these Committee Comment actions. At issue in this appeal is the action with regard to Committee Comment 1002 dealing with the proposed language for protecting concealed combustible spaces in Type IV construction. The NITMAM to accept Second Revision 1002 was certified by the Motions Committee as CAM 5000-1. The language in the proposed text included, among other things, reference to installing sprinklers or providing other protection measures in the concealed spaces of Type IV construction that utilize cross laminated timber (CLT). CAM 5000-1 passed on the floor of the NFPA Technical Meeting, and in accordance with the *Regulations Governing the Development of NFPA Standards* (“Regs”) Section 4.6.1, the amendment passed ballot of the Technical Committee on Building Construction. However, the amendment ballot failed by one vote to achieve the necessary 3/4 affirmative vote of the Correlating Committee on the Building Code to achieve a recommendation of approval for the Association action.

During the hearing on the appeal, there was much discussion about the extent to which the proposed language might conflict with the provisions of NFPA 13, *Standard for the Installation of Sprinkler Systems*. The appellant testified that it is his view that the proposed language regarding the sprinkler protection of concealed combustible spaces does not conflict with NFPA 13. While NFPA 13 requires sprinklers to be installed in certain concealed combustible spaces, it does not prohibit the installation of sprinklers in any concealed spaces-combustible or otherwise. The language proposed to be added to NFPA 5000 merely indicates how to protect concealed combustible spaces in Type IV construction that integrate CLT members if the building is required to be protected with sprinklers.

Also raised at the hearing was whether there had been an inaccurate reference in the language processed through the ballots prepared for the Technical Committee on Building Construction and the Correlating Committee on the Building Code following the Technical Session. In these ballots, the last sentence of Section 7.2.5.1 included a reference to Section 7.2.5.6.7 which should instead have referred to Section 7.2.5.4. The Technical Committee on Building Construction was balloted on this revised reference through a clarification ballot and the clarification ballot passed nearly unanimously. There was testimony at the hearing from a Correlating Committee member that had this reference been accurate, he would have voted in the affirmative: meaning that had the reference been accurate, the Correlating Committee would have passed the ballot. It should be noted that this incorrect reference was processed throughout the second draft stage.

On appeal, the Council accords great respect and deference to the NFPA standards development process. The Council has reviewed the entire record concerning this matter and has considered all of the arguments put forth in this appeal. In the view of the Council, there is reason to overturn the results recommended by the standards development process. Accordingly, the Council has voted to uphold the appeal. The effect of this action is that the 2018 Edition of NFPA 5000®, *Building Construction and Safety Code*® will include the text of Committee Comment No. 1002 that includes the expanded provisions for concealed combustible space allowances including sprinkler protection or other protection measures in buildings of Type IV construction.

Council Members James Quiter, Gary Keith and Dan O'Connor, recused themselves from the deliberations and vote on the appeal.