

STANDARDS COUNCIL MEETING

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02169

Tuesday, August 15, 2017  
9:00 a.m.

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1 THE CHAIRMAN: Good morning,  
2 everyone. I'll call this hearing to  
3 order. My name is Kerry Bell, Chair of  
4 the Standards Council, and in a moment we  
5 are going to go around the room and have  
6 everybody introduce themselves by stating  
7 name, affiliation.

8 Before I do that, I just want to  
9 point out that we have a stenotypist here  
10 in the room with us who is going to be  
11 recording this hearing. So for those of  
12 you who are going to be speaking, I would  
13 ask that you state your name and  
14 affiliation prior to making your remarks  
15 each time. And also, for those of you who  
16 will be speaking, I ask that you give your  
17 business card to the stenotypist here so  
18 that we can spell your name an affiliation  
19 correctly, which is always nice to have in  
20 the record.

21 I do want to ask everybody to mute  
22 their phones so we don't have any  
23 interruptions. And with that we'll start

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I N D E X

1		
2	Hearing	Page
3	17-8-8-a	7
4	17-6-2-a	37
5	17-8-7-a-1	70
6	17-8-7-c-1	
7	17-8-7-d-1	
8	17-8-14-a-2	114
9	17-8-13-a	128
10	17-8-44-b-1	190
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

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1 with the introductions. Start to my right  
2 here with go around the table. And then  
3 start over here in the chairs, start on  
4 this end and go down the row and then back  
5 around.

6 So Dawn.  
7 MS. BELLIS: Dawn Michele Bellis,  
8 Standards Council Secretary.

9 MS. FULLER: Linda Fuller, NFPA  
10 staff.

11 MR. QUITER: James Quiter, member  
12 of Council.

13 MS. MANLEY: Bonnie Manley, member  
14 of Council.

15 MR. KEITH: Gary Keith, member of  
16 Council.

17 MS. GLEASON: Patricia Gleason,  
18 member of Council.

19 MR. SNYDER: Mike Snyder, member  
20 of Council.

21 MR. BRADLEY: Randall Bradley,  
22 member of Council.

23 MR. PRESTON: Bill Preston of

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1 Dryvit Systems also representing EIMA  
 2 today.  
 3 MR. TREVINO: Javier Trevino,  
 4 Priest & Associates Consulting.  
 5 MR. HUGHES: Jesse Beitel,  
 6 Jensen Hughes representing myself.  
 7 MR. VINESS: Terry Viness, Sto  
 8 Corp, also representing the EIMA today.  
 9 MS. ROSS: Lorraine Ross, Intech  
 10 Consulting representing XPSA.  
 11 MR. O'CONNOR: Daniel O'Connor,  
 12 member of Council.  
 13 MR. GOLINVEAUX: James  
 14 Golinveaux, member of Council.  
 15 MR. BEEBE: Chad Beebe, member of  
 16 Council.  
 17 MR. BUSH: Kenneth Bush, member of  
 18 Council.  
 19 MR. RICKARD: John Rickard, member  
 20 of Council.  
 21 MR. JOHNSTON: Mike Johnston,  
 22 member of Council.  
 23 MS. GALLAGHER: Ann Gallagher,

6

1 NFPA staff.  
 2 MS. EVERETT: Sally Everett, NFPA  
 3 staff.  
 4 CHAIRMAN BELL: I would ask  
 5 everybody if they can to speak up so  
 6 everybody can hear.  
 7 MR. DUBAY: Chris Dubay, NFPA  
 8 staff.  
 9 MS. VETERELLI: Tracey Veterelli,  
 10 NFPA staff.  
 11 MS. BUTIN: Val Butin, NFPA staff.  
 12 MR. LeBLANC: John LeBlanc, FM  
 13 Global.  
 14 MR. WOLIN: Steve Wolin,  
 15 Automatic Sprinkler Company.  
 16 MR. JOHNSTON: Dave Johnston with  
 17 EIFS Industry Members Association.  
 18 MR. KOFFEL: Bill Koffel, Koffel  
 19 Associates.  
 20 MR. HARRINGTON: Greg Harrington,  
 21 NFPA staff.  
 22 MR. SOLOMAN: Robert Soloman, NFPA  
 23 staff.

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1 MR. COLLONA: Guy Collona, NFPA  
 2 staff.  
 3 CHAIRMAN BELL: Thank you everyone  
 4 for those introductions. The first  
 5 hearing that we have this morning, is  
 6 related to agenda item 17-8-8-a concerning  
 7 **NFPA 285**. Now at this point I am going to  
 8 recuse myself from this hearing and not  
 9 participate in the deliberation or voting  
 10 on this matter. And I've asked Council  
 11 Member Jim Quiter to serve as chair for  
 12 this hearing. I'm going to turn that  
 13 chair over to Mr. Quiter.  
 14 CHAIRMAN QUITER: Thank you,  
 15 Mr. Bell. Are there any other Council  
 16 members with statements? Mr. O'Connor.  
 17 MR. O'CONNOR: Daniel O'Connor,  
 18 member of Council. For the record I am  
 19 recusing myself on this agenda item. And  
 20 I will not participate as a member of the  
 21 Standards Council in the hearing,  
 22 deliberations, or voting on this matter.  
 23 CHAIRMAN QUITER: Mr. Keith.

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1 MR. KEITH: Gary Keith, member of  
 2 Council. For the record, I am recusing  
 3 myself on this agenda item. I am not  
 4 participating as a member of the  
 5 Standards Council in the hearing,  
 6 deliberations, or voting on this matter.  
 7 CHAIRMAN QUITER: Welcome. We are  
 8 going to hear the appeal on NFPA 285. I  
 9 do not believe there is anyone here in  
 10 opposition, but we do have a written  
 11 statement. I understand there are also  
 12 members of the audience who do have  
 13 something they would like to say about the  
 14 matter. I will first turn it over to  
 15 appellant. I understand Mr. Beitel you  
 16 are going to lead the group. The group as  
 17 a whole has 10 minutes to offer your  
 18 comments. At that point we'll open up to  
 19 questions from the Council and comments  
 20 from the audience. At the conclusion of  
 21 the questions we'll give you both five  
 22 minutes to summarize your remarks. So  
 23 Mr. Vital.

1 MR. BREITEL: Thank you, Mr.  
 2 Chairman, Standards Council members. We  
 3 appreciate you hearing this morning.  
 4 Basically this it a concern that myself  
 5 and industry members have over actions  
 6 taken by NFPA 5 test committee over the  
 7 last year. Basically NFPA 285 has been a  
 8 NFPA standard since approximately 1999  
 9 first reference in the code in NFPA IDC  
 10 2000 and IDC first edition.

11 NFPA 285 is a fire test of an  
 12 exterior wall system for vertical and  
 13 horizontal flame spread. Basically that  
 14 test involves building a wall which is  
 15 approximately 18 feet high 15 feet wide,  
 16 and a fire in the lower portion of that  
 17 wall attacks both the inside and outside  
 18 surfaces of the wall to a window opening  
 19 at see how far fire goes.

20 Basically what we've always had in  
 21 this test and even in the precursors to  
 22 this test which were the uniform building  
 23 code standards, that were initially

1 developed and as turned into NFPA 285, we  
 2 have said that we wanted joints in the  
 3 wall systems. Has to be. Nobody builds a  
 4 wall, typically nobody builds a wall  
 5 without a joint of some kind or another in  
 6 the system. So the standard basically had  
 7 the words typical joints in construction  
 8 materials were to about used.

9 What happened is somebody, a  
 10 manufacturer shall remain nameless, tried  
 11 to play a game with putting up a0 system  
 12 that had almost no joints. And we knew  
 13 that is not what we wanted for that type  
 14 of a system, for that panelized system.  
 15 They would never build it like that in the  
 16 real world. We always had smaller joints.

17 So in order to try to prevent that  
 18 from ever occurring again, the fire test  
 19 committee decided that they wanted to try  
 20 to look at more specificity with respect  
 21 to the joints. The problem we have is  
 22 that all wall systems are not built the  
 23 same. You have different types of

1 materials, panel systems get built one  
 2 way, eaves stucco systems as you'll hear  
 3 get built other ways, brick veneers get  
 4 built other ways. And so at the end of  
 5 the day the fire test committee just said  
 6 well, if we just require certain joints to  
 7 occur and we are going to tell you where  
 8 to place those joints, everybody will test  
 9 the same.

10 Well, the same isn't the same.  
 11 There is a point in wall systems putting  
 12 the joints where the fire test committee  
 13 wants them actually helps the system pass  
 14 rather than the worse case. The other  
 15 systems again those joints don't normally  
 16 occur in the open structure and in today's  
 17 world because of the more use of NFPA 285,  
 18 especially because of some of the fires  
 19 which have occurred in the US and  
 20 overseas, people are -- architects are  
 21 requiring when they put up something sort  
 22 of strange that that has to be tested. In  
 23 that manner. And so in a test in the

1 manner the architect wants, you may not  
 2 have the joints for exactly where the  
 3 proposed wording for 285 tells you to put  
 4 the joints. Therefore you are not in  
 5 compliance with that test, even though  
 6 you're doing a test to be exactly what is  
 7 going up on the wall. And that's a  
 8 problem because you are not going to be  
 9 able to say we actually ran a test in  
 10 compliance for 285. You don't have the  
 11 right one.

12 The other problem we're having is  
 13 that over the years people have put joints  
 14 in typically over the window or on the  
 15 sides of the windows, normal construction  
 16 normally for panels systems nobody has a  
 17 joint directly over a window. So a weak  
 18 point for movement and all. They're  
 19 typically to the sides of a window. Both  
 20 ways have been tested. We don't know. We  
 21 haven't been able to try to figure out is  
 22 one case really worse than the other case.  
 23 For some systems might be worse for other

1 systems it's going to be better.  
 2 The last point is that we have  
 3 over the years since 2 IBC tested these  
 4 types of systems actually since 1992 and  
 5 there is hundreds and hundreds of fire  
 6 tests sitting out there with joints in  
 7 various locations. When this new NFPA  
 8 standard is adopted by IBC, and if has  
 9 this very specific requirement from where  
 10 the joint should be, we now will eliminate  
 11 and call into question all of those  
 12 previous tests that have been done, and  
 13 it's hundreds of going back into my files  
 14 and other test files will now no longer be  
 15 valid, and whether those manufacturers  
 16 suppose to do. It would be the same thing  
 17 as running a fire resistance test and  
 18 taking a major change in that E119  
 19 exposure test and say okay from now on it  
 20 has to be this way but everything else for  
 21 the last hundred years no longer works.  
 22 Doesn't meet the standard. That is the  
 23 way I see this coming down.

1 So we have a problem in that I  
 2 agree with need the joints, we never  
 3 disagreed with that. The joints need to  
 4 be applied in the manner to provide the  
 5 most conservative type test, and I think  
 6 what we also need to do though is keep it  
 7 broad so that the various types of wall  
 8 systems that are being tested here can  
 9 build that wall system with respect to  
 10 what it is in either a general test or a  
 11 specific test for a specific building.  
 12 Thank you.  
 13 CHAIRMAN QUITER: Is there anyone  
 14 else from your group that wishes to speak?  
 15 MR. VINESS: Terry Viness. I'm  
 16 working for Sto Corp, but I'm representing  
 17 the Use Industry Manufacturers Association  
 18 EIMA. I'm a technical committee chair for  
 19 EIMA currently. And as Mr. Beitel pointed  
 20 out, the use of joints in NFPA 285 test  
 21 for eaves for the type of systems that we  
 22 manufacture and have installed, actually  
 23 makes the test easier to pass, makes the

1 test less conservative from a life saving  
 2 and a fire safety standpoint. And one of  
 3 -- I wanted to explain the reason that we  
 4 say that is because everywhere a use  
 5 system is terminated, it is tied back to  
 6 the substrate of the wall system using the  
 7 unique term that we call back wrapping.  
 8 And I brought along some sketches of what  
 9 a back wrap is. When it's appropriate you  
 10 can have one. But basically you take a  
 11 fiberglass mesh and cementitious  
 12 or not material and apply that to the  
 13 wall and then wrap the mesh around the  
 14 bottom of the exposed edge of the  
 15 combustible foam plastic insulation. So  
 16 what this does is actually during the test  
 17 is that foam plastic melts. It will  
 18 accumulate in this back wrap material so  
 19 it holds it there. In the test as we run  
 20 it with no horizontal joints above the  
 21 window, that allows 100 percent of the  
 22 foam plastic that is above the window to  
 23 be able to move down the wall and to sit

1 on top of that fire where the burner is  
 2 during the test so you have a worst case  
 3 scenario for how it sits. The proposed  
 4 standard introduces a horizontal joint  
 5 somewhere around three feet above the  
 6 header of the window, and if you do that  
 7 as you can picture, you have two of these  
 8 trays of fire stops basically separating  
 9 that foam plastic and so much less volume  
 10 of the molten EPS would be allowed to get  
 11 all the way down to where the burner is  
 12 and the intense fire is during the test.  
 13 And this occurs not just as the window  
 14 head but also on the jams, the sills, any  
 15 joints, expansion joints, or control  
 16 joints that are in the system. It's  
 17 terminated this way. It's always been our  
 18 standard of practice to fully encapsulate  
 19 or fully enclose the foam plastic to  
 20 protect it from fire to give a durability.  
 21 The reinforcing mesh that we use is any  
 22 glass woven material or glass fiber and a  
 23 melting point somewhere above 700 degrees,

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1 I believe. So we have got a very durable  
 2 material, that in this tests we've seen  
 3 that it survives the tests. Back wrapping  
 4 survives the test and it contains this  
 5 molten plastic.  
 6 CHAIRMAN QUITER: You have two  
 7 minutes for who wishes to speak.  
 8 MR. VINESS: So that was the main  
 9 point.  
 10 MR. TREVINO: I'll make my point  
 11 short. I know we're running out of time.  
 12 Javier Trevino, Priest & Associates. The  
 13 main point I want to make is relates to  
 14 the ambiguity of the proposed new  
 15 language. I could see that even if a  
 16 manufacturer were to test a wall with the  
 17 joints of the panel systems or the other  
 18 cladding systems in the location  
 19 specified, I could see a building official  
 20 questioning and rejecting the wall design  
 21 because we didn't have these joints on  
 22 other parts of the system. For example,  
 23 the exterior sheeting, the interior

18

1 sheeting, the insulation has joints. The  
 2 weather barriers are, they're usually  
 3 sheets of some sort, and they have joints.  
 4 So the question is do we line all these  
 5 up, or can we stagger them like normally  
 6 done in the field. And I can easily see  
 7 walls being rejected because not  
 8 everything is being tested with the joint  
 9 locations as proposed in the language.  
 10 CHAIRMAN QUITER: Okay. Thank  
 11 you. Mr. Preston?  
 12 MS. ROSS: Lorraine Ross, XPSA.  
 13 CHAIRMAN QUITER: We have less  
 14 than a minute.  
 15 MS. ROSS: We are the  
 16 manufacturers of extruded polystyrene that  
 17 are used component within the systems.  
 18 Not just these but others. I just want to  
 19 point out when we went through all of the  
 20 minutes and documentation that was put  
 21 forward by the tech committee of the fire  
 22 test committee, there were no fire tests  
 23 presented that show that these joints,

19

1 these systems with these joints in these  
 2 locations represent a worst case or not  
 3 worst case situation. Trying to  
 4 understand the technical underpinnings of  
 5 this and with all due respect it seemed  
 6 like it was opinions of testing labs  
 7 without any real hard data that we would  
 8 examine and look at. So I ask you to  
 9 support the appeal. Thank you.  
 10 MR. PRESTON: I'm not going to  
 11 speak.  
 12 CHAIRMAN QUITER: Anyone in the  
 13 audience going to wish to speak? I  
 14 understand there is.  
 15 MR. JOHNSTON: Just one point.  
 16 The EIFS Industry Members Association has  
 17 critical concerned about life safety.  
 18 CHAIRMAN QUITER: Identify  
 19 yourself.  
 20 MR. JOHNSTON: My name is Dave  
 21 Johnston, executive director with EIFS  
 22 Industry Members Association. I just want  
 23 to emphasize that EIMA's primary concern

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1 here in pushing for our case here is for  
 2 life safety. I just want to emphasize  
 3 that.  
 4 MR. KOFFEL: Bill Koffel, Koffel  
 5 Associates, member of the technical  
 6 committee, but obviously not speaking for  
 7 the technical committee. Speaking in  
 8 favor of the appeal. I was at the  
 9 microphone at the time the motion was made  
 10 to call the question, so my comments were  
 11 never heard by the association membership.  
 12 And you heard a lot this morning about the  
 13 technical issues. I want to talk a little  
 14 bit about the process and how the  
 15 committee dealt with this particular  
 16 issue.  
 17 Just for the record I abstained in  
 18 my ballot on this item because I have  
 19 provided consulting services to various  
 20 affected industries, and I am not here  
 21 today representing any of those. But  
 22 obviously we have had a client interest in  
 23 the issue.

<p style="text-align: center;">21</p> <p>1 What I want to bring to the  2 Council's attention is actually something  3 that happened in a stiff standard and how  4 it relates to what happened in this  5 action. So the development of 2017  6 edition of NFPA 252, I submitted a public  7 input to change the gap on the underside  8 of a fire door from 3/8th inch to 3/4  9 inches. Why? Because that's what the  10 standard in NFPA 80 calls for with respect  11 to the installation. The committee  12 accepted that. And then during the public  13 comment period a member committee from a  14 test lab came back and said this probably  15 isn't a good idea because we don't know  16 what the impact is on the test, of the  17 tested assemblies. And let me highlight  18 the committee's statement and I think  19 correlated to what you heard here this  20 morning. Data is not available to support  21 the change made during the first draft.  22 And I think industry has come forward and  23 said we don't think there is data</p>	<p style="text-align: center;">23</p> <p>1 appeal because of the way the committee  2 handled this particular issue. Thank you.  3 CHAIRMAN QUITER: Thank you, O  4 Mr. Koffel.  5 Any other questions from the  6 Council? I have one just for  7 clarification. We're talking about the  8 joint language that you don't want to be  9 there. What is the joint language that  10 will be in the code if this is failed?  11 MR. BEITEL: If the appeal is  12 successful the language which will be in  13 the code will be what is in the current  14 edition of the code. And it's...  15 CHAIRMAN QUITER: You're not  16 answering my question.  17 MR. BEITEL: Looking at the  18 language specifically 285 2020 edition the  19 language would still require joints,  20 typical joints. Representative of actual  21 construction. So joints are still  22 required. And it is in the standard, has  23 always been in the standard.</p>
<p style="text-align: center;">22</p> <p>1 supporting what the committee has done in  2 this instance. Going back to the 3/8 inch  3 gap will create a difference between NFPA  4 80 and 252. The committee is  5 acknowledging a conflict between two NFPA  6 standards but then continues to say the  7 test method should not be revised before  8 data is available to understand how it  9 affects the test. And again you heard  10 this morning we don't have that data.  11 There is a question as to whether the  12 increased gap allowed to make the test  13 more severe or less severe. You heard  14 this morning we don't know if this is  15 going to be more sever or less severe. So  16 I think the committee has been  17 inconsistent. I didn't appeal that  18 previous action. I accepted. But then it  19 came back in this document and basically  20 did the same thing during a second draft  21 meeting with no data to support the  22 change.  23 I encourage you to support the</p>	<p style="text-align: center;">24</p> <p>1 CHAIRMAN QUITER: Thank you.  2 MS. MANLEY: Bonnie Manley, member  3 of Council. I am curious to know what  4 edition of NFPA has been adopted to the  5 2018 IBC.  6 MR. BEITEL: So 2012 edition is in  7 the current codes. 2015 IBC.  8 MS. MANLEY: Yes.  9 MR. BEITEL: I believe it's in the  10 latest edition 5,000, I'm not sure if it's  11 101 or not, but if it is it will be the  12 2012 edition of the NFPA standard. Now,  13 we have a problem and as you probably well  14 remember where adoption of standards in  15 ICC and so semi unbeknownst to us but  16 happened. NFPA put in an update to their  17 standards this past year in the admin  18 section of NFPA. I mean of ICC and they  19 updated NFPA 285 from 12 to 17. So  20 whatever happens, based on this appeal  21 will now be in the 2018 code not the 2021.  22 And that gives us absolutely no capability  23 of going back to ICC, and even if we lose</p>

1 appeal to try to argue this on the floor.  
 2 So it is imperative that we have  
 3 to make this decision and I really would  
 4 encourage the Council to accept this  
 5 appeal because come January we think that  
 6 wrong wording is going to be in 285  
 7 referenced in ICC not yet in 5,000 101 I  
 8 don't think. And we are going to be held  
 9 with.

10 MS. MANLEY: Do you have a sense  
 11 of what percentage of tests out today  
 12 would meet the new provision?

13 MR. BEITEL: Probably lose about  
 14 90 percent. Actually even lose brick  
 15 walls. You can't do horizontal. This  
 16 test would say if I have a -- we typically  
 17 when we test brick walls it's a solid  
 18 brick wall. And failures usually occur at  
 19 window headers. But now I have to figure  
 20 out a way to do a horizontal joint, and  
 21 you have a letter from BIA saying how the  
 22 hell we supposed to do this. We don't  
 23 know. Again if you put a shelf angle in

1 there it helps the test. Who knows and so  
 2 on. My feeling is easily 90 percent of  
 3 all of test conducted is late '90s will  
 4 now be at risk.

5 MS. MANLEY: I note in some of the  
 6 discussion there was some concern there is  
 7 actually a consequent collect within the  
 8 test standard in that there is a  
 9 requirement that it reflects institute  
 10 construction and then there are types of  
 11 walls assembly that simply don't do this.  
 12 But that is conflict, is that internal to  
 13 the document, and is there any clarity  
 14 from the committee on how to resolve that  
 15 as going forward?

16 MR. BEITEL: I think that now gets  
 17 back into sort of what the committee tried  
 18 to do with a TIA for the scope, is that  
 19 what you're referring to?

20 MS. MANLEY: No. I think the TIA  
 21 is a different issue.

22 MS. ROSS: I think if you look at  
 23 the language itself, it says in one case

1 that it has to be representative of  
 2 construction and then it sets out a  
 3 prescriptive location for the joints. Our  
 4 members in talking to test labs trying to  
 5 figure out how we are going to do this,  
 6 test labs themselves are not clear about  
 7 whether we would have to do two tests.  
 8 One represent actual and one with the  
 9 prescriptive joints. It's really, is  
 10 really is an internal conflict within the  
 11 standard itself within the new section.

12 CHAIRMAN QUITER: I have one more.  
 13 Mr. Koffel referred a bit to how the  
 14 committee handled this, but are there  
 15 issues with the procedures that were  
 16 followed by the committee or that you feel  
 17 came up with the wrong answer?

18 MR. BEITEL: With respect to the  
 19 committee, I was as the last hearing when  
 20 this came up and I was asking for then.  
 21 And especially as they decided to be in  
 22 the second go-around, very much more  
 23 specific as to where these joints had to

1 occur, plus or minus 1 foot from here.  
 2 And it was like explain to me how you came  
 3 up with those. What is the basis for  
 4 making those decisions. And it was  
 5 basically what we think. Absolutely no  
 6 data, absolutely nothing. In fact it  
 7 wasn't even discussed prior to the  
 8 meeting. It sort of came up and different  
 9 values were thrown around in the meeting  
 10 for them to determine is it 6 inches, 12  
 11 inches, I don't know. Pick one. We're  
 12 going to pick one. So it was a seat of  
 13 the pants pick and that to me is not the  
 14 correct way to do this with respect to  
 15 defining something in that test procedure  
 16 which is critical to the test procedure.  
 17 I think that was the process.

18 The other process that I think was  
 19 somewhat flawed was, and you see that in  
 20 the minutes of meeting was the call of the  
 21 question came up fairly quickly. People  
 22 were not able to leave -- our side did not  
 23 get a chance to even finish the views of

1 the proponents, and especially no rebuttal  
2 that we could provide to anybody who had a  
3 negative comment on it. So that to me is  
4 about short at the annual meeting.

5 CHAIRMAN QUITER: Any other  
6 questions from Council?

7 KENNETH BUSH: Member of Council.  
8 I notice in the proposed wording it refers  
9 to window openings. Was there any  
10 consideration for the location of joints  
11 with respect to other openings in these  
12 walls?

13 CHAIRMAN QUITER: If I may  
14 interrupt. I forgot to ask you to  
15 identify yourself each time you speak.

16 MR. BEITEL: Jesse Beitel, Jensen  
17 Hughes, representing myself.

18 The only opening in that wall is  
19 the window opening.

20 CHAIRMAN QUITER: Mr. Golinveaux.

21 MR. GOLINVEAUX: James Golinveaux,  
22 member of Council. Question for Jesse, in  
23 the balloting on the first draft of 4

1 negative ballots and after full public  
2 comment period, and after revisions were  
3 made, again only four negative ballots.  
4 So didn't seem to sway the public process  
5 didn't seem to sway the committee. And I  
6 appreciate when a question is called on  
7 the floor it ends debate, but public  
8 comment period didn't end debate and  
9 didn't end public submittal from coming  
10 in.

11 So could you respond a little bit.  
12 It didn't seem to sway the committee at  
13 all what these comments were with the  
14 revisions, and you even being in  
15 attendance in the meeting as we went from  
16 four negative ballots to four negative  
17 ballots and we lost on the floor, just  
18 your comments on the process of the public  
19 comments to the second draft?

20 MR. BREITEL: Jess Breitel, Jenson  
21 Huges, representing myself on this issue.  
22 The first draft putting into, I think at  
23 the end of the day the committee felt

1 based off as I explained a manufacturer's  
2 way of running the test which was not  
3 quite kosher shall we say, that they  
4 didn't want that to happen anymore. So  
5 they were going to add some language to  
6 it. I think at that point, though, many  
7 of the members of that fire test committee  
8 never seen an NFPA 285 test done and are  
9 unclear in terms of how the various walls  
10 are different when you look at them and  
11 how they're going to be constructed, and I  
12 don't think they realized actually what  
13 was going to happen. I know the issue  
14 never even came up, in those early  
15 discuss, and it's like how are we going to  
16 do that. I mean things have come out  
17 since then, and we were trying to bring  
18 that forth into the arguments at the  
19 annual meeting, and we didn't get a chance  
20 to do that. So a lot of these issues  
21 which they have been, which like I say  
22 other people have come up at first they're  
23 like bricks are not a problem but it

1 really is a problem. It took a while for  
2 the brick guys to understand that and be  
3 able to help us to make that decision how  
4 you going to do that. That didn't come  
5 out until after the ballots of the  
6 committee. So things developed over time  
7 that changed where the problems were  
8 actually going to wind up at here and  
9 didn't get, could not get introduced into  
10 the annual meeting.

11 MR. GOLINVEAUX: Thank you.

12 CHAIRMAN QUITER: Any final  
13 questions from the Standards Council?

14 If not I can give you five minutes  
15 to summarize your case, and then again  
16 five minute cumulative. So I presume  
17 you're going to lead the way, Mr. Beitel?

18 MR. BEITEL: Jesse Beitel, Jensen  
19 Hughes representing myself on this issue.

20 In summary is we agree there's got  
21 to be joints. We know there are systems  
22 that for some systems lack of joints is  
23 more severe. For some systems more joints

1 is more severe. Depends on the various  
 2 veneer systems. The new language that is  
 3 proposed I think will be much more  
 4 confusing as to where the joint should be,  
 5 how the joint should be placed. And  
 6 example is it says you shall have a  
 7 vertical joint over the center line of the  
 8 window. How far does that joint go? From  
 9 top to bottom of the assembly, a foot  
 10 above the assembly, through that  
 11 three-foot mark where the first horizontal  
 12 is supposed to be? I don't know. So, and  
 13 whether or not these joints have to go  
 14 through all the various layers of an  
 15 actual wall system. That to me is going  
 16 to be really confusing with respect to  
 17 people that try to sort out. We see no  
 18 data. I have run hundreds actually since  
 19 1992 of these types of fire tests. And  
 20 typically the failure rate is not  
 21 necessarily at the joint. Sometimes,  
 22 sometimes not. Most of the time no. We  
 23 see other issues with respect to panel.

1 An ACM panel which have been in the news.  
 2 Joint or no joint it is the nonfire  
 3 retardant panel fails. I've seen the test  
 4 several times. It can't pass no matter  
 5 what you do to it. So it doesn't matter  
 6 where it is. It's a problem. The panel  
 7 is a problem. We see that with other  
 8 types of materials. The materials are the  
 9 problem not necessarily where the joints  
 10 are.  
 11 And so by doing this and  
 12 eliminating potentially come January, 90  
 13 percent of hundreds and hundreds of fire  
 14 tests I just don't think has been  
 15 rationalized to the point to show that  
 16 this is an actual problem. We have no  
 17 data provided either way to determine  
 18 this, and if we wish to look at this in  
 19 the future, then let's start looking at  
 20 trying to develop the data to make that  
 21 happen.  
 22 I actually have volunteered to  
 23 chair a task group within the NFPA fire

1 test committee to look at trying to come  
 2 up with diagrams for how these walls  
 3 should be tested with joints and things so  
 4 that can be inserted probably into the  
 5 next edition of 285. And then provide  
 6 better guidance to how it is to be done.  
 7 But what we've got proposed today, I think  
 8 we just going to create mass confusion out  
 9 there in the industry and architects in  
 10 the building community.  
 11 CHAIRMAN QUITER: Yes. State your  
 12 name, please.  
 13 MR. TREVINO: Javier Trevino,  
 14 Priest & Associates. I want to expand on  
 15 one point just as mentioned a couple of  
 16 time, there is hundreds and hundreds of  
 17 tests. I worked at one of the labs that  
 18 ran this test. I ran this test ever since  
 19 it was invented basically. And I  
 20 estimated that I myself ran approximately  
 21 90 tests. But there is three to five labs  
 22 that do this off and on, some doing it and  
 23 a conservative estimate is maybe 2,000

1 walls involved been tested to the  
 2 standard. And the number of tests that  
 3 these labs can run per month each lab  
 4 based on personal experience is  
 5 approximately four tests per month. That  
 6 based on space these are huge walls take  
 7 up a lot of room. Some of them take a  
 8 month to cure. And if you do the math on  
 9 four tests per month times four labs, and  
 10 if you look at repeating even 50 percent  
 11 of these roughly 2,000 walls, it's ten  
 12 years, ten years to repeat. But we still  
 13 have to test the walls that are being  
 14 built today. So if you mix it all in it  
 15 creates a huge time lag of retesting.  
 16 CHAIRMAN QUITER: Okay. With that  
 17 we'll close the hearing. Thank you very  
 18 much for your presentation and process.  
 19 Council will be deliberating in closed  
 20 session later on in our meeting and will  
 21 be making a final decision. That decision  
 22 will be issued in writing and distributed  
 23 during the coming weeks. No one is

1 authorized to be relaying the results of  
2 our conclusions until that final decision  
3 is made and issued in writing.

4 At this point we are going to stay  
5 on the record and I am going to turn the  
6 chair back to Mr. Bell.

7 MR. BEITEL: Thank you.  
8 Appreciate it.

9 CHAIRMAN BELL: Mr. Quiter  
10 abdicated, and we are staying on the  
11 record and move directly into the next  
12 hearing which is related to agenda item  
13 17-8-2-a regarding NFPA 30, and I know  
14 we've had some new individuals enter the  
15 room since our last introductions so for  
16 those of you who have entered the room and  
17 have not introduced yourself, I ask you to  
18 do so by stating your name and  
19 affiliation.

20 MICHAEL TEARNEY: From D Internet.

21 DAVID COLLINS: Dave Collins  
22 representing American Institute of  
23 Architects.

1 MR. DUBROWSKI: Victor Dubrowski,  
2 chair of the technical committee on  
3 Education and Daycare Committee.

4 MR. QUINTERNO: Victor Quintero,  
5 Rhode Island Fire Marshal's office.

6 MS. RICE: Sarah Rice, Preview  
7 Group.

8 MR. WOESTMAN: John Woestman,  
9 Kellen Company, representing Builders  
10 Hardware Manufacturing Association.

11 MR. ROEPER: Kurt Roeper, with  
12 ASSA ABLOY.

13 CHAIRMAN BELL: I do want to  
14 indicate to those of you who will be  
15 participating in the hearings this morning  
16 if you would give your business card to  
17 the stenotypist or Linda Fuller so we get  
18 the spelling of your name, if you're going  
19 to speak this morning, spelling of your  
20 name correct.

21 At this point let me ask if there is  
22 any statements from the Council on this  
23 particular hearing? Mr. Keith.

1 MR. KEITH: Gary Keith, member of  
2 Council. For the record I'm recusing  
3 myself on this agenda item. I am not  
4 participating as a matter of the  
5 Standards Council in the hearing,  
6 deliberations, or voting on this matter.

7 CHAIRMAN BELL: Mr. Golinveaux.

8 MR. GOLINVEAUX: Mr. Chairman,  
9 James Golinveaux, member of Council. For  
10 the record, I am recusing myself on this  
11 agenda item. I will not participate as a  
12 member of the Standards Council in the  
13 hearing, deliberations, or voting on this  
14 matter.

15 CHAIRMAN BELL: Thank you. With  
16 that we'll go ahead and get started with  
17 this hearing. As I understand Mr. Wolin  
18 you're speaking in support of the appeal  
19 to overturn the ballot results for a  
20 series of second revisions 202, 203, 204,  
21 206, 2010, 2011 and 2012. Is that  
22 correct?

23 MR. WOLIN: That's correct.

1 CHAIRMAN BELL: Mr. LeBlanc,  
2 you'll be speaking against this appeal; Is  
3 that correct?

4 MR. LeBLANC: Correct.

5 CHAIRMAN BELL: Anybody else  
6 speaking for or against this appeal? If  
7 not, I think we can go ahead and get  
8 started. Our plan is to use the same  
9 format as previous hearing. 10 minutes  
10 for your total for your opening remarks  
11 followed up by questions from the Council  
12 and then five minutes for your closing  
13 remarks.

14 I do want to remind everybody to  
15 state your name and affiliation before you  
16 make your comments. With that, Mr. Wolen,  
17 I turn the floor over to you.

18 MR. WOLIN: My name is Steven  
19 Wolin, I'm director of development and  
20 compliance for the Reliable Automatic  
21 Sprinkler Company. I have had the  
22 opportunity to participate on NFPA  
23 technical committees for more than 15

1 years. And I chair a technical committee.  
2 As chair of that committee I know that I  
3 give up some of my abilities to advocate  
4 in front of that committee when I become  
5 the chair. I'm also the submitter of  
6 public comments 52, 53, 54, 55, 57, 65,  
7 and 67 to NFPA 30 in this current revision  
8 cycle.

9 Let me start out with the  
10 technical correlating committee. The vote  
11 during the second draft meeting of the  
12 NFPA 13 technical committee on storage and  
13 warehousing of containers and portable  
14 tanks, the committee voted to create  
15 second revisions 202, 203, 204, 211, 206,  
16 2012 based on the public comments that I  
17 submitted although with some in some cases  
18 some modifications. Technical committee  
19 balloted those second revisions of the  
20 ballot results in that same order, 26 to  
21 nothing, 26 to nothing in favor, 26 to  
22 nothing in favor, 26 to nothing in favor,  
23 26 in nothing to favor, and again 26 to

1 nothing in favor.  
2 Ballot recirculation amongst the  
3 committee this time two more people voted.  
4 27 to 1 in favor. 27 to 1 in favor. 27  
5 to 1 in favor. This one got a little  
6 attention, 22 to 6. On second revision  
7 211, in favor, 28 to nothing in favor of  
8 206. 27 to 1 in favor of 212. All of  
9 these public comments, all of these  
10 section revisions were heard by the same  
11 NFPA technical committee. When these  
12 second revisions went to the technical  
13 correlating committee, they were all  
14 rejected. Now the technical correlating  
15 committee in the definition for what they  
16 do, the technical correlating committee is  
17 there to -- the committee as established  
18 and operated in accordance with Section 3  
19 of these regulations that is assigned to  
20 manage and coordinate the activities of 2  
21 or more technical committees. Their only  
22 reason for rejecting all of those second  
23 revisions that have been voted on nearly

1 unanimously by the technical committee is  
2 that one of, one of the technical second  
3 revisions failed ballot. But they were  
4 all heard by the same technical committee.  
5 They weren't coordinating or managing the  
6 activities of two or more technical  
7 committees. There was only one in play.  
8 So by definition, the technical  
9 correlating committee couldn't do what  
10 they did.

11 Now let's talk about the one  
12 public comment and the one second revision  
13 that I haven't talked about yet, and  
14 that's public comment 55, second revision  
15 210. At the second draft meeting, I  
16 attended, I was allowed to speak at the  
17 meeting in favor of that particular public  
18 comment. The committee voted to create  
19 second revision 210.

20 There were two significant voices  
21 in the room in opposition for that public  
22 comment and this second revision. One was  
23 Jeff Shapiro. And I've known Jeff a lot

1 of years. At the meeting Jeff stated he  
2 wasn't representing any of our  
3 competitors.  
4 Now the last time I had seen him  
5 he was representing one of our competitors  
6 at a hearing before another organization  
7 on the same type of system. In subsequent  
8 correspondence with committee members he  
9 indicated he was representing one of our  
10 competitors. So he is not a member of the  
11 technical committee but my main opposition  
12 at that meeting was a consultant who  
13 before and after the hearing was  
14 representing one of my competitors. And  
15 maybe he wasn't at that hearing, but he  
16 acted like it.

17 I believe his niece was our staff  
18 liaison as that meeting. And in our NFPA  
19 rules, staff liaison shall conduct  
20 themselves in a manner that preserves  
21 enhances the trust and confidence of  
22 standard develop participants as well as  
23 public integrity, efficiency, efficacy of

1 the NFPA and NFPA standards development  
2 process. Section 4 F staff liaison should  
3 conduct themselves in a manner that  
4 reflects their nonpartisan facilitative  
5 and advisory role, they shall maintain a  
6 demeanor that is fair and dispassionate.  
7 Staff liaison should take care they  
8 neither act nor could be perceived to be  
9 acting on behalf of or in order to further  
10 the interest of any group or individual.

11 I have a concern when the staff  
12 liaison at the meeting and my main  
13 opposition are family members. I have a  
14 concern when I look at the technical  
15 correlating committee ballot and the  
16 ballot indicates that the person  
17 submitting the changes that opposed what  
18 I'm doing is a family member, I believe,  
19 of someone hired by one of my competitors  
20 to oppose me. I think that is not right.

21 The other voice in opposition to  
22 my proposed changes at the public comment  
23 meeting at the second draft meeting was

1 Mr. LeBlanc. Mr. LeBlanc is chair of the  
2 technical committee on storage and  
3 warehousing containers and portable tanks.  
4 He spoke out against the proposed changes  
5 at the meeting. And when we go to the  
6 ballot for second revision 210 the initial  
7 vote was 25 to 1. There was only one  
8 negative vote, and that one negative vote  
9 was the chair's. That's it. So when we  
10 talk about all of the action that happened  
11 here, all of the votes in the technical  
12 correlating committee that got rid of the  
13 other second revisions, they all go back  
14 to one negative vote from the chair.

15 When we look at the final voting  
16 of the committee, second revision 210,  
17 vote was 14 to 13. When we look at the  
18 comments from the technical committee  
19 members on their vote, most of them stated  
20 that they voted negative because of the  
21 chair's comment. That's it.

22 Now the chair in the NFPA process  
23 Section 3.4g, guide for the conduct of

1 participants NFPA development process,  
2 technical committee correlating committee  
3 chair should refrain from asserting a  
4 position in technical discussions. If a  
5 chair wishes to assert a position in a  
6 technical discussion that individual  
7 should relinquish the chair. Didn't  
8 happen.

9 So I have the set of changes and  
10 public comments that I submitted. They  
11 were heard by the technical committee.  
12 The technical committee voted  
13 overwhelmingly to create second revisions  
14 for six of them. In one, one of those  
15 public comments that did not ultimately  
16 pass ballot was the one that the chair  
17 submitted a negative vote on. First  
18 draft.

19 I think that is not consistent  
20 with NFPA's procedures. I think that I  
21 didn't receive a fair hearing under the  
22 process on my public comments. And I  
23 think to compound that the technical

1 correlating committee took the other six  
2 that the technical committee  
3 overwhelmingly voted to approve.  
4 Overwhelmingly affirmed and threw them  
5 away. When they were all heard by the  
6 same committee and it wasn't within a  
7 technical correlating committee's purview  
8 to make those changes because by  
9 definition there was no conflict between  
10 two or more technical committee. One  
11 technical committee heard it all. They  
12 voted to include those. Even the chair  
13 voted to include those six. Somehow it  
14 didn't go through. Thank you.

15 CHAIRMAN BELL: Thank you,  
16 Mr. Wolin. Mr. LeBlanc.

17 MR. LeBLANC: John LeBlanc, FM  
18 Global, chair at the time of NFPA 30.  
19 I'll address two of the key issues that  
20 were raised. One is the failure of the  
21 committee to adequately address or review  
22 the submittal and then the second would be  
23 my way of handling the meeting and also my

1 vote on said proposals.

2 So all the proposals listed  
3 essentially accomplished one change,  
4 delivers a single new line item to a fire  
5 protection table within NFPA 30. So since  
6 the committee was reconstituted back when  
7 I began on it, NFPA 30 has worked  
8 extraordinarily hard to ensure that fire  
9 protection that gets into that committee  
10 is fully vetted and is what they consider  
11 that. And we had for a number of cycles a  
12 subcommittee whose job it was to vet all  
13 of the testing that came in. I believe  
14 the committee has a strong commitment to  
15 making sure everyone gets a fair hearing  
16 on this. We have gone to the point of  
17 creating an annex item because there were  
18 a lot of submitted tests in the past that  
19 were being rejected. So we created an  
20 annex to allow for people who are going to  
21 spend the kind of money you have to spend  
22 on full scale testing to understand how  
23 the committee looks at fire tests that are

1 done and how they evaluate them for their  
2 adequacy for inclusion in the standard.

3 In this case the submittal started  
4 with first ballot. The committee reviewed  
5 it. We didn't have enough technical  
6 detail at the time. The committee wanted  
7 to give the submitter every opportunity to  
8 submit their information to validate their  
9 claim. We created a committee --  
10 MR. WOLIN: A task group?  
11 MR. LeBLANC: No, not a task  
12 group. What do you call it when you put a  
13 bubble up?  
14 VOICE: Comedia --  
15 MR. LeBLANC: That's it. We  
16 created a comedia input to allow for more  
17 time to allow this change to be vetted.  
18 On the second draft more information was  
19 brought forward. A very lengthy technical  
20 discussion ensued. At the end of that  
21 discussion the committee voted to move it  
22 forward as a second draft. At the end of  
23 the first ballot committee voted to

1 continue as a second draft, and then at  
2 the end of the second ballot one of the  
3 line items failed and that pretty much  
4 brought it all to an end.

5 As far as my participation in  
6 this, I am very acutely aware of the need  
7 of the chair to ensure all comments are  
8 adequately vetted, to make sure that  
9 people have a fair and adequate hearing of  
10 that. I have no interest in changing the  
11 outcome of a vote during a committee  
12 meeting. However, I am a member of the  
13 committee, and I am allowed a written vote  
14 to any technical comment that is  
15 submitted, which is what I exercise.  
16 During the meeting at the end of the  
17 rather long technical discussion, I  
18 actually handed my chairmanship over to  
19 another committee member. I offered one  
20 what I consider rather short discussion  
21 item. In fact I did that only for  
22 Mr. Wolin's benefit so he would understand  
23 what my final vote would be. It didn't

1 have an influence on the committee. They  
2 still didn't really listen to anything.  
3 They voted for it and put it in. It  
4 wasn't until I provided the written  
5 comments on the ballot that they read it  
6 and changed their minds. That's it.

7 CHAIRMAN BELL: Thank you. With  
8 that we'll open it up for questions from  
9 the Council? Mr. Quiter.

10 MR. QUITER: James Quiter, member  
11 of Council. I guess my question is with  
12 those seven items going forward and one  
13 failing. Did there turn out to be a  
14 correlation issue or a conflict of vote if  
15 only one of those failed and the rest went  
16 through, and probably I would like to both  
17 of you to answer that question.

18 MR. WOLIN: Steven Wolin, Reliable  
19 Automatic Sprinkler Company. So I think,  
20 I think we are going to agree they're all  
21 one package. They're all based on the  
22 same fire test, and they are all intended  
23 to go in as one package of changes. Now

1 you have to talk seven different sections  
2 to do it, but I think they were as one.  
3 Now the correlation issue, though,  
4 was created and occurred completely within  
5 the technical committee. They voted and  
6 six of the seven to include them,  
7 overwhelmingly.

8 MR. LeBLANC: John LeBlanc, FM  
9 Global. I agree it certainly didn't  
10 affect other parts of 30. This is  
11 strictly within the storages task, the  
12 storages committee's issue, but having one  
13 drop out and the others remain, that  
14 wouldn't have made any sense within the  
15 code. They would have something standing  
16 there to support something that doesn't  
17 exist.

18 CHAIRMAN BELL: Mr. Quiter.

19 MR. QUITER: Given that answer,  
20 why were there not negative votes on all  
21 seven of the items instead of just one.

22 MR. LeBLANC: John LeBlanc, FM  
23 Global, because I screwed up. I should

1 have voted no on all and gave the same  
2 reason.

3 CHAIRMAN BELL: Mr. O'Connor.

4 MR. O'CONNOR: Daniel O'Connor,  
5 member of Council. Mr. Wolin, you  
6 explained that you believe the chair  
7 didn't recuse himself when he should have.  
8 Could you just explain that again? You  
9 seem to be at odds with each other, and  
10 I'd like you to explain yourself and then  
11 Mr. LeBlanc can explain himself.

12 MR. WOLIN: So during the meeting  
13 there were two main points of opposition.  
14 One was from Mr. Shapiro. The other was  
15 from Mr. LeBlanc, the chair. If he  
16 suggests to you that he recused himself  
17 during the meeting when he made those  
18 comments, I believe it. I'm not  
19 suggesting that that is not the case.  
20 However, in hearing, I would like to  
21 respond to that last question too. In  
22 hearing the answer to that last question,  
23 I think we agree that the only reason that

1 the technical committee voted down the one  
2 that they did and the only reason that  
3 they didn't vote down the other was the  
4 opinion of the chair, which is expressed  
5 in the meeting and expressed in the  
6 ballot. And that was the only reason.

7 MR. LeBLANC: As far as running --  
8 I'm sorry. John LeBlanc, FM Global.  
9 You'd think that I'd get that straight  
10 after watching this big of a meeting.

11 In running the meetings, I am very  
12 clear in my head that the chair can't  
13 direct where the committee goes. And I  
14 have no intention of doing that. I  
15 believe in the NFPA process. I believe in  
16 how it needs to go. And I also know I  
17 have strong technical opinions on certain  
18 subjects, especially on the committees I  
19 happen to serve on. So I do try very hard  
20 to stay out of the discussion. I try to  
21 encourage discussion, however, because I  
22 believe on technical issues there needs to  
23 be a full vetting of those issues. You

1 can't let it roll through. They have to  
2 talk about it.

3 On this particular item, I knew I  
4 could not drive where the committee was  
5 going to go. And I was torn with also  
6 trying to be fair to Mr. Wolin in making  
7 sure he understood that I was going to  
8 vote no -- should have voted no on all of  
9 them, but at least on the main one. So I  
10 waited until the discussion had ended. I  
11 allowed someone else to take over  
12 chairmanship. I provided a rather brief  
13 comment for me. And anyone knows me knows  
14 I can talk for a long time, but targeted a  
15 brief comment so that committee could at  
16 least hear the position, but more  
17 importantly Mr. Wolin can hear it. And  
18 that was it. And I didn't change  
19 anybody's mind with my discussion.

20 CHAIRMAN BELL: Mr. Beebe.

21 MR. BEEBE: Chad Beebe, member of  
22 Council. You mentioned that you waited  
23 until the discussion had ended and recused

1 yourself and made your comment. Was that  
2 the final comment on the discussion or did  
3 the discussion with the committee was it  
4 allowed to continue?

5 MR. LeBLANC: It wasn't ended. No  
6 one else was talking in fact. The  
7 discussion should we let that go for a  
8 long time. I waited until no one else  
9 commented. I offered my comment. No one  
10 else had further comment. It wouldn't  
11 have been stopped. As I said, our goal  
12 was to have it fully vetted.

13 CHAIRMAN BELL: Mr. O'Connor.

14 MR. O'CONNOR: Daniel O'Connor,  
15 member of Council. One of the things I  
16 noted in attachments we have in our agenda  
17 is that the correlating chair had noted  
18 that he thought it was unusual that he was  
19 contacted by Mr. Shapiro and likely to be  
20 inappropriate. So Mr. LeBlanc, I would  
21 like to ask you did you see anything  
22 inappropriate from your perspective of the  
23 participation by Mr. Shapiro during your

1 liberations?

2 MR. Le BLANC: John LeBlanc, FM  
3 Global. The way we run the committee, we  
4 try to be open to allow as much discussion  
5 as possible as long as people sign in at  
6 the beginning we let them participate.  
7 Jeff has been around on the committee  
8 for -- he has participated at various  
9 levels for various items for a lot of  
10 points in time. He has been a help to the  
11 committee in trying to get building code  
12 language clarified within the code so  
13 we're adoptable. So he has known to the  
14 committee. I personally didn't think, I  
15 know there is an issue of who he was  
16 working for he said at the time this was  
17 on his own. I don't know what he did  
18 after that. I have no idea. I don't take  
19 part of anything once the committee  
20 closes. I don't want to be part of  
21 anything. But during the meeting I didn't  
22 see him doing anything that I thought was  
23 inappropriate. It seemed within the

1 rules.

2 CHAIRMAN BELL: Just a follow-up  
3 question on that, Mr. LeBlanc. So you  
4 didn't have any contact with Mr. Shapiro  
5 during the balloting process, written  
6 balloting process, that there is an  
7 indication that he lobbied members of the  
8 committee. You didn't have any discussion  
9 with him during that time?

10 MR. LeBLANC: John LeBlanc, FM  
11 Global. He called me once. I told him I  
12 don't have any part of this. I don't know  
13 what you're going to do. I don't want to  
14 be a part of what you are going to do. I  
15 guess he is free to do what he wants once  
16 the meeting is over. But I was not going  
17 to have any part of that.

18 CHAIRMAN BELL: Thank you.  
19 Mr. Wolin, do you have a comment?

20 MR. WOLIN: Do you mind if I add  
21 something to that? Steve Wolin, Reliable  
22 Automatic Sprinkler Company. If  
23 Mr. Shapiro, I mean whether his conduct

1 during the meeting was appropriate or not,  
2 he probably was. You're allowed to show  
3 up at a meeting and advocate a position.  
4 That is not a problem. I have concern  
5 when your niece is a staff person at that  
6 meeting, if paid, if that's the case. I  
7 also have a concern when Mr. Shapiro  
8 during the ballot circulation reaches out  
9 to committee members and says per  
10 discussion please consider changing your  
11 vote on SR 210 to negative and you can  
12 simply cite that you agree with  
13 Mr. LeBlanc's comments unless you'd like  
14 to add more. Email from Mr. Shapiro to a  
15 committee member during the ballot  
16 circulation. Contacted several. And if  
17 you look at the comments on the negative  
18 votes from the committee a lot of the  
19 folks just did that. They said I agree  
20 with John LeBlanc. I think that was  
21 inappropriate.

22 MR. BUSH: Kenneth Bush, member of  
23 Council. Question to Mr. LeBlanc, do you

1 have any comment regarding the committee  
2 process especially with the association of  
3 the staff liaison and person in opposition  
4 to these comments?

5 MR. Le BLANC: John LeBlanc, FM  
6 Global. Jan was a co-liaison at the time.  
7 Bob Benedetti was still primary. I guess  
8 she is related to Jeff although they say  
9 their last name differently, apparently.  
10 Beyond that, I've never seen her providing  
11 difference to him. That's all I can say.  
12 I don't know what else goes on there.

13 MR. BUSH: One follow-up question.  
14 You don't think it had any impact on the  
15 committee process.

16 MR. Le BLANC: John LeBlanc, FM  
17 Global. No, I do not believe it affected  
18 this particular process.

19 MR. BUSH: Thank you.

20 CHAIRMAN BELL: Just a follow-up  
21 question for Mr. Wolin related to this.  
22 As I understand your primary concern  
23 regarding the staff liaison and Jeff

1 her name was on them or is there something  
2 else you're referring to?

3 MR. WOLIN: When I look at all the  
4 second correlating revisions, the  
5 submitter full name is her name.

6 MS. EVERETT: Thank you.

7 CHAIRMAN BELL: Mr. Snyder.

8 MR. SNYDER: Mike Snyder, member  
9 of Council. Mr. Wolin, just to make sure,  
10 I think I've heard the answer to this  
11 before, if the 7th one was not to go  
12 forward the other six were not going to be  
13 relevant effective. Is that correct as  
14 far as those six could not stand alone,  
15 the other six that passed ballot?

16 MR. WOLIN: They could be in there  
17 and they are 6/7th of what I intended to  
18 include. Now would it be perfect, not,  
19 far from perfect, but that is what the  
20 technical committee voted to do.

21 MR. SNYDER: Mike Snyder, member  
22 of Council. Mr. LeBlanc, if you could  
23 answer similarly.

1 Shapiro, is the relationship of the niece.  
2 Do you have any further information as far  
3 as conduct or anything, or actions on the  
4 part of the staff liaison in this regard.

5 MR. WOLIN: I'm not suggesting she  
6 actually acted imperfectly that I can  
7 point to. If I look at the second  
8 correlating revisions that get rid of six  
9 of the changes that the technical  
10 committee voted nearly unanimous to  
11 include, her name is all over them. And I  
12 don't think I have to show that there was  
13 any actual issue. It's the appearance of  
14 a conflict that the rules prohibit. And I  
15 think when your family members advocates  
16 in front of that committee, as a staff  
17 liaison, you cannot participate in that.  
18 Because that is the appearance of a  
19 problem.

20 MS. EVERETT: Sally Everett, NFPA  
21 staff. Just a follow-up question to that.  
22 When you say her name was all over them,  
23 do you mean as a matter of the form that

1 MR. LeBLANC: John LeBlanc, FM  
2 Global. The one that failed is the line  
3 item that went into the protection table.  
4 Without the line item in the protection  
5 table the other elements although it  
6 wouldn't harm the code because their  
7 language wouldn't have anything to refer  
8 back to. There wouldn't be a protection  
9 scheme and referenced in the table and  
10 hence there would be no need for the  
11 protection scheme to exist.

12 CHAIRMAN BELL: I have one more  
13 question, Mr. Wolin. Is there a reason  
14 you didn't file a NITMAM on this?

15 MR. WOLIN: Yes. My concerns with  
16 this are procedure. We're not here having  
17 a technical discussion here about it. I  
18 didn't think the floor and the sort of  
19 technical consideration of membership was  
20 what my concern was about. I had a  
21 concern of the NFPA procedures which are  
22 really I think best handled by this group.

23 CHAIRMAN BELL: Thank you.

1 Ms. Everett.  
 2 MS. EVERETT: Sally Everett, NFPA  
 3 staff. Mr. Wolin, you stated that you  
 4 didn't believe you received a fair hearing  
 5 on your public comment, and I just want to  
 6 understand other than these things that  
 7 you brought forward, is there anything  
 8 else that would lead to the conclusion of  
 9 you didn't have a fair hearing on public  
 10 comments or is it really is your claim in  
 11 that regard the activity with regard to  
 12 the staff liaison, the behavior on the  
 13 part of Mr. LeBlanc?

14 MR. WOLIN: I don't believe there  
 15 is anything else. I stated it in my  
 16 written and in my comments here.

17 MS. EVERETT: Thank you.

18 CHAIRMAN BELL: Any final  
 19 questions of Council? If not we'll go  
 20 into closing remarks. And Mr. Wolin, you  
 21 have five minutes.

22 MR. WOLIN: Very brief because I  
 23 think we've really gone through what we

1 need to here. I had seven public comments  
 2 of NFPA 30. Six passed ballot by nearly  
 3 unanimous votes. The one that didn't, the  
 4 only negative vote on the initial ballot  
 5 was the chair's. The only two significant  
 6 negative comments at the hearing were from  
 7 the chair and a consultant that before and  
 8 after the hearing was hired by a  
 9 competitor to oppose us. I believe the  
 10 overwhelming weight of the committee's  
 11 vote including the chair's was to include  
 12 those six in NFPA 30. The only reason  
 13 that didn't happen is the technical  
 14 correlating committee took it upon  
 15 themselves to go beyond what they are  
 16 charged with. They're charged with  
 17 correlating the activities not within the  
 18 whole document but of two or more  
 19 technical committees. And if those words  
 20 mean anything they mean the technical  
 21 correlating committee should not be within  
 22 all of the activities taken by one  
 23 committee changing things. The committee

1 voted very clearly to include those six.  
 2 The one they didn't vote to include I  
 3 think, I have some concerns we talked  
 4 about on why they didn't vote to do that.  
 5 And I think the whole gambit of seven  
 6 public comments seven, second revisions  
 7 are only excluded from NFPA 30 sourced to  
 8 that one second revision, and the chair's  
 9 negative comment. And if that hadn't  
 10 happened those seven revisions would be in  
 11 30 right now. We wouldn't have these  
 12 hearings. That's all I have.

13 CHAIRMAN BELL: Thank you.  
 14 Mr. LeBlanc.

15 MR. LeBLANC: John LeBlanc, FM  
 16 Global. I think I am completely  
 17 comfortable that the committee, as it  
 18 exists, gave a full and valid hearing of  
 19 this. I know they're an extremely  
 20 dedicated group whose intent is to provide  
 21 good fire protection in 30. They have  
 22 worked over the last 10 plus years to  
 23 ensure what goes in meets a level of

1 scrutiny that the committee decided it  
 2 wanted to impose upon testings or test  
 3 reports that are submitted to us. I  
 4 believe there was a good proper hearing by  
 5 them and their actions, although certainly  
 6 on the surface being inconsistent in  
 7 voting for and then against, in the end I  
 8 think they accomplished what they  
 9 intended. My actions as chair I believe  
 10 fully, I understand the need for the chair  
 11 to ensure the process survives. The chair  
 12 also has to ensure the committee achieves  
 13 its goals, and then I believe that I'm on  
 14 a third level I have my responsibility as  
 15 a member of the committee outside of the  
 16 chairmanship which is to ensuring that I  
 17 can look at the code and believe in it,  
 18 and in all three levels I believe are  
 19 balance the meeting to ensure everything  
 20 was heard in a fair method. I stepped off  
 21 of the chair to offer a short opinion as  
 22 to why I would vote against it. Had no  
 23 impact on the committee at that time. I

1 exercised my right to provide a written  
2 ballot and comment to such, and that ended  
3 up changing the committee's mind. That's  
4 it.

5 CHAIRMAN BELL: Thank you. So  
6 with that we are going to close this  
7 hearing, and before I do I just want to  
8 remind everybody that the official  
9 decision of the Standards Council will be  
10 issued in writing by the Council Secretary  
11 Dawn Michele Bellis. No staff or Council  
12 member is permitted to convey any  
13 information regarding that decision. I  
14 want to thank you for taking time out of  
15 your busy schedule to come here and  
16 participate in this hearing and share your  
17 valuable information, and we appreciate  
18 your support of the NFPA Standards  
19 development process. With that we're  
20 going to close this hearing and move  
21 directly into the next hearing.

22 MR. LeBLANC: Thank you.

23 MR. WOLIN: Thank you.

1 CHAIRMAN BELL: Staying on the  
2 record and moving into the next hearing  
3 which is related to agenda items  
4 17-8-7-a-1 and -c-2 and -d-1 which all  
5 deal with the same text with different  
6 chapters in **NFPA 101**. I want to make sure  
7 we have everybody on record here that is  
8 in the room. Has there been anybody that  
9 has come into the room that has not  
10 introduced themselves by stating their name  
11 and affiliation?

12 MR. FRANCIS: Sam Francis,  
13 American Wood Council.

14 MR. MAHONEY: Sean Mahoney, NFPA  
15 staff.

16 CHAIRMAN BELL: Anybody else?  
17 Are there any statements from the  
18 Council members? Mr. Bush.

19 MR. BUSH: Kenneth Bush, member of  
20 Council. For the record I am recusing  
21 myself for this agenda item and I will not  
22 participate as a member of the  
23 Standards Council in the hearing,

1 deliberations, or voting on this matter.

2 CHAIRMAN BELL: Thank you. Now,  
3 from the process we are going to follow  
4 the same format as we did for the previous  
5 hearing. We'll allow a total of 10  
6 minutes for each side for their opening  
7 remarks followed up by questions from the  
8 Council members. And then we'll close the  
9 hearing by allowing each side a total of  
10 five minutes to make their closing  
11 remarks. And if there is more than one  
12 individual speaking on each side, you'll  
13 have to coordinate your comments so you  
14 don't exceed those time limits. From this  
15 hearing we also have the chair of the  
16 correlating committee, Bill Koffel, here  
17 who as I understand is speaking on behalf  
18 of the committee; is that correct?

19 MR. KOFFEL: I will try, yes, sir.

20 CHAIRMAN BELL: Thank you. With  
21 that, I think we are ready to go ahead and  
22 proceed with this hearing. As I  
23 understand, Mr. Pardoe, you're speaking in

1 support of the appeal to overturn the  
2 association's action on this; is that  
3 right?

4 MR. PARDOE: Correct.

5 CHAIRMAN BELL: Is there anybody  
6 else speaking in support of the appeal?  
7 No. Okay. Is there anybody speaking  
8 against the appeal? Okay. State your  
9 name and affiliation.

10 MR. WOESTMAN: John Woestman,  
11 Kellen Company, representing BHMA.

12 MR. COLLINS: Dave Collins  
13 representing AIA.

14 MR. ROEPER: Kurt Roeper  
15 representing ASSA ABLOY.

16 MR. QUINTERNO: Vincent Quintero,  
17 Rhode Island State Fire Marshal's office.

18 CHAIRMAN BELL: You're not  
19 speaking on this; is that right?

20 MR. QUINTERNO: If necessary I  
21 will.

22 CHAIRMAN BELL: I would ask  
23 everybody to speak up so everybody can

1 hear what you are saying. And with that  
2 we'll go ahead and go into the opening  
3 remarks. I would remind everybody to  
4 state your name and affiliation before we  
5 make remarks. Mr. Pardoe.

6 MR. PARDOE: Good morning,  
7 Mr. Chair, ladies and gentlemen. My name  
8 is Keith Pardoe. My company is Pardoe  
9 Consulting. For the record, in this  
10 hearing as in all of my NFPA activities I  
11 represent only myself. I do not represent  
12 any company, organization, or special  
13 interest group. I am a special expert in  
14 the field of swinging egress and fire  
15 doors. And I am speaking in support of  
16 the appeal this morning.

17 CHAIRMAN BELL: Speak up.

18 MR. PARDOE: I have concerns about  
19 the comments that were made during the  
20 testimony on June 7th regarding these  
21 locking -- (pause for microphone).

22 MR. PARDOE: How is this?

23 CHAIRMAN BELL: Why don't you go

1 ahead and start over again, if you don't  
2 mind. I'll give you the extra minute.

3 MR. PARDOE: Once again good  
4 morning, Mr. Chair, ladies and gentlemen.  
5 My name is Keith Pardoe. My company is  
6 Pardoe consulting, and for the record in  
7 this hearing as in all of my NFPA  
8 activities I represent only myself. I do  
9 not represent any company, organization,  
10 or special interest group. I am a special  
11 expert in the field of swinging egress and  
12 fire doors. And I am speaking in support  
13 of the appeal this morning.

14 I have concerns about comments  
15 made during the testimony on June 7th  
16 regarding these locking provisions that  
17 likely influence some of the voters. Ms.  
18 Griffin's comments were based on opinion  
19 and not fact. She spoke on behalf of the  
20 National Disability Rights Network. She  
21 made some compelling statements, but  
22 again, they were based on opinion not  
23 fact. Specifically her comments included

1 the word "opinion" and phrase was "we  
2 believe" and "we think." To paraphrase  
3 her comments, she said "we believe two  
4 releasing operations on classroom doors  
5 would violate the Americans with  
6 Disability Act. No one from the floor  
7 asked her for substantiation and no one  
8 challenged her statements. And I think  
9 that's a problem. None of the nationally  
10 recognized accessibility standards,  
11 Uniformity Federal Accessibility  
12 Standards, the Americans with Disabilities  
13 Act Accessibility Guidelines, and A117 the  
14 Standard for Accessible and Usable  
15 Buildings and Facilities, address the  
16 number of releasing operations permitted  
17 for accessible doors.

18 Over the past 30 plus years I have  
19 spent a great deal of time educating  
20 people about code requirements for  
21 swinging egress and fire doors. To my  
22 knowledge there is no restriction as to  
23 the number of releasing operations for

1 accessible doors in the ADA law itself nor  
2 in the nationally-recognized accessibility  
3 standards I cited just a minute ago.  
4 Perhaps someone else can cite such a  
5 reference. I am not aware of any. If  
6 Ms. Griffin's unchallenged statements of  
7 opinion influenced as few as 40 votes that  
8 day, about 15 percent of the people that  
9 voted, they affected the outcome of that  
10 ballot. In other words it's very possible  
11 that the CAMs would have failed had these  
12 comments been challenged.

13 Next, the testimony for  
14 CAM 101-3, Mr. Woestman proffered a couple  
15 of scenarios that were designed to solicit  
16 support for the motion. However, for  
17 John's scenario to be plausible, we have  
18 to ignore all of the other requirements  
19 within the locking provisions, and in  
20 other words John's comments focused only  
21 on two releasing operations and ignored  
22 all of the other provisions. Maybe John  
23 can clarify his comments for us.

1 The charging statement requires a  
 2 locking means to be approved. That's the  
 3 very first requirement. For John's two  
 4 simultaneously operated lever lock to be  
 5 plausible, we have to believe AHJs would  
 6 approve such an arrangement. It's very  
 7 unlikely that AHJs would approve any  
 8 locking arrangement that requires  
 9 simultaneous operation. Regarding John's  
 10 questions about being unfamiliar with the  
 11 operation of classroom doors, we need to  
 12 ignore the requirements for emergency  
 13 action plan that details the operation of  
 14 the doors and the requirement for the  
 15 faculty staff to be periodically drilled  
 16 in the operations of those doors. Both of  
 17 these requirements are crucial for faculty  
 18 staff and all first responders in the  
 19 region.

20 In offering these scenarios, John  
 21 overlooked a very important factor. CAM  
 22 101-3 specifically addresses classroom  
 23 doors in existing educational occupancies.

1 The average school year is 180 calendar  
 2 days spread across nine months. We have  
 3 virtually the same people in the same room  
 4 at the same time of day, day in day out  
 5 for 180 days. These people are intimately  
 6 familiar with their building as  
 7 operations. Most students, faculty, and  
 8 staff occupy the same school building for  
 9 more than one school year. And because of  
 10 the emergency action plan in concert with  
 11 periodic safety drills, we know these  
 12 people will be familiar with the operation  
 13 of their doors. If John's statements  
 14 influenced some of the votes that day,  
 15 they likely affected the outcome of the  
 16 ballot. Even more concerning John's  
 17 statements in combination with Ms.  
 18 Griffin's unsubstantiated statements  
 19 undoubtedly influenced some of the votes  
 20 that day.

21 Here is another perspective to  
 22 consider. The international building code  
 23 is precisely that. It's a building code.

1 The IBC is only concerned about new  
 2 construction. NFPA 101 is not a building  
 3 code. It's better described as an  
 4 operations and maintenance code. Chapter  
 5 7 of NFPA 101 contains provisions for new  
 6 and existing doors. With each generation  
 7 of NFPA 101 the number of existing doors  
 8 grows. There are numerous instances in  
 9 NFPA 101 where existing doors are treated  
 10 differently than new doors. When we  
 11 consider existing doors, we have to bear  
 12 in mind the code requirements that were in  
 13 effect at the time of construction and  
 14 installations. These doors do not  
 15 magically change when words written on  
 16 paper change. There is no technical  
 17 justification to force schools and day  
 18 care facilities to upgrade their existing  
 19 doors to meet the requirements of the 2018  
 20 edition of NFPA 101. Doors installed in  
 21 the 1950s, 60s, 70s, 90s and even some  
 22 early 1990s were not subject to the single  
 23 release operation of today's codes. As we

1 know, building owners are not obligated to  
 2 upgrade their existing doors as code  
 3 requirements evolved. And in other words  
 4 their installation predates NFPA 101's  
 5 single release operation that first  
 6 appeared in the 1988 edition. Existing  
 7 doors are not required to comply with  
 8 changes in the code until and unless they  
 9 are replaced with new doors. Have you  
 10 stopped to consider the number of existing  
 11 doors that could be affected by these  
 12 locking arrangements? If there are a  
 13 hundred thousand schools as mentioned in  
 14 the June 7th transcript, there 's likely  
 15 more than 2 million existing doors, many  
 16 of which were installed decades ago. The  
 17 number is even greater when you add in  
 18 doors in existing daycare facilities.  
 19 It's unrealistic to think that in over 3  
 20 million existing doors there are not any  
 21 exceptions to the rules. There is no  
 22 technical justification to force the older  
 23 doors to be up dated.

**81**

1 Here is something else to think  
 2 about. Do you know that the lock  
 3 manufacturers, all of the top of the line  
 4 commercial lock manufacturers offer  
 5 something that's called a classroom  
 6 function deadbolt. These deadbolts have a  
 7 key on the entry side of the door and a  
 8 thumb turn on the inside. The thumb turn  
 9 only retracts the deadbolt. These locks  
 10 were created specifically for classroom  
 11 doors many, many decades ago. Been in the  
 12 product catalogs for literally decades.  
 13 They are installed on some of these older  
 14 doors. When these doors also have a  
 15 latching component, they already have two  
 16 releasing functions when that deadbolt is  
 17 engaged. Fortunately that is not engaged  
 18 very often but it is there. The  
 19 possibility exists. Now it is possible to  
 20 upgrade those doors by adding the cylinder  
 21 to the inside of some of these locks.  
 22 There are builders hardware products that  
 23 can be added to the doors to make them

**82**

1 function better, make them meet these  
 2 requirements.  
 3 There is precedence in the code  
 4 for more than one releasing operations.  
 5 We have Section 7.2.1.5.10.3 and  
 6 7.2.1.5.10.4 that deal with releasing  
 7 operations for doors in residential  
 8 applications. We also have Section  
 9 7.2.1.5.10.6 that was added in 2012 code  
 10 edition of the code. It allows for two  
 11 releasing operations where the doors serve  
 12 an area with an occupant of not more than  
 13 three. These doors can be found in any of  
 14 the occupancies, new and existing.  
 15 The appeal seeks to reinstate the  
 16 language approved by the technical  
 17 committee. However, it's apparent to me  
 18 there is no consensus on the issue of the  
 19 number of releasing operations for  
 20 existing doors. These new locking  
 21 provisions are designed to address a  
 22 complex set of circumstances that involve  
 23 life-safety and security issues.

**83**

1 Case in point, under normal  
 2 conditions we are allowed to use a 15  
 3 second delay egress locking system. They  
 4 immediately release under fire conditions.  
 5 However, in a lock down situation delay  
 6 egress systems might prevent people from  
 7 escaping imminent danger, worse, their  
 8 alarms call attention to the doors. In  
 9 these types of situations an argument  
 10 could be made that delayed egress locking  
 11 systems are more of a hazard than second  
 12 releasing operation is on existing  
 13 classroom entry doors.  
 14 There is no one size fits all  
 15 solution. The code needs to provide  
 16 options for these complex situations.  
 17 Two non-simultaneous releasing operations  
 18 on some existing doors are a safe option.  
 19 CHAIRMAN BELL: One minute left.  
 20 In the amendments for existing doors, I  
 21 proposed a two-part provision for the  
 22 releasing operations. After all the  
 23 people closest to the applications, the

**84**

1 AHJs are best positioned to make informed  
 2 decisions as to when two separate  
 3 non-simultaneous releasing operations are  
 4 accept for existing doors. If the AHJs'  
 5 judgment is sufficient for approving a the  
 6 locking means, as required by the charging  
 7 statement, shouldn't the AHJs' judgment  
 8 also be sufficient for approving the two  
 9 releasing operations? That's something to  
 10 think about.  
 11 The delayed egress locking systems  
 12 again, we are comfortable with allowing  
 13 AHJs the discretion to decide one 30  
 14 seconds is acceptable. It's the same  
 15 concept for the second releasing  
 16 operations. Some doors is going to be a  
 17 safe option. The 3 million existing  
 18 doors.  
 19 CHAIRMAN BELL: Thank you.  
 20 MR. WOESTMAN: Good morning, John  
 21 Woestman here from Kellen Company  
 22 representing Builders Hardware  
 23 Manufacturers Association, and I need to

1 explain Kellen Company is an association  
2 management company and you saw my previous  
3 comments regarding Axias Ax another one of  
4 our clients. That's my name on some of  
5 the documents you saw in the first appeal  
6 here this morning. I wanted to clarify  
7 that in case you're wondering.

8 I'm here on behalf of the Builders  
9 Hardware Association. This appeal, these  
10 appeals are based on CAMs that were  
11 submitted on my name on behalf of B H M A.  
12 And the appeals are and the CAMs were very  
13 simple. That is, should NFPA 101 change a  
14 long standing life safety issue, required  
15 no more than one releasing operation on  
16 these doors, these existing occupancies or  
17 should it change from no more than one  
18 releasing motion to no more than two  
19 releasing motions. One simple question.  
20 One versus two. That basically is what  
21 the appeal is about. Potentially all of  
22 the appeal is about. Simple question,  
23 very profound. Has a big implication

1 profound. We communicated our concerns in  
2 our written comments and we're here  
3 because the importance of this issue and  
4 we are going to stand on our comments and  
5 leave it at that. Thank you.

6 CHAIRMAN BELL: Anybody else?  
7 Opening remarks?

8 MR. COLLINS: Dave Collins on  
9 behalf the American Institute of  
10 Architects. I submitted written comments  
11 and fundamentally I think they cover the  
12 information that I wish to convey. I only  
13 need to add in response to some comments  
14 earlier this morning. I am a member of  
15 A1.17.1 and have been for 17 years. A  
16 1.17.1 does not have criteria in there  
17 about the number of functions simply  
18 because we don't duplicate criteria that  
19 are established elsewhere in standards and  
20 codes. We deliberately try to avoid those  
21 and focus on the accessibility issues  
22 only. Those being in place we need not  
23 address them as accessibility.

1 And secondly to the International  
2 Builders Code we only -- construction.  
3 That is incorrect. I have been involved  
4 with existing buildings for my entire  
5 career and instrumental in the development  
6 of Chapter 34 of the International  
7 builders code which is all about the  
8 existing building. Most recently has been  
9 converted over to the international  
10 existing building code. In that document  
11 all criteria associated with alterations  
12 to an existing facility on means of egress  
13 references back to the International  
14 Builders Code. Thank you.

15 CHAIRMAN BELL: Thank you. Anyone  
16 else speaking in opposition? Well,  
17 Mr. Koffel.

18 MR. DUBROWSKI: I'm Victor  
19 Dubrowski. I'm chairman of the technical  
20 committee. I am not either in favor or  
21 opposed. I'd like to make a statement as  
22 chair of the technical committee.

23 MR. KOFFEL: Sure.

1 MR. DUBROWSKI: It's really about  
2 the process. I think, I've been an NFPA  
3 member for 30 years. I've always been  
4 very proud of the code development process  
5 here as opposed to the other model code  
6 especially the earlier model code  
7 organizations which were very unbalanced.  
8 And I'm very proud of the fact that it is  
9 a balanced process. And in our technical  
10 committee is particularly the balanced in  
11 that it has maxed out on enforcers and  
12 it's maxed out on use. And so not just  
13 special experts that are driving the  
14 balance issue as in many committees where  
15 actually some represented manufacturers  
16 and testing, things like that. We have a  
17 great group of enforcers and great group  
18 of users this code affects everyday. So  
19 through the first draft and second draft  
20 processes much of what Mr. Pardoe was  
21 thoroughly debating and they very  
22 carefully come up with the concept that  
23 perhaps in existing schools with the 8

1 item laundry list, all subject to AHJ  
 2 approval, the process includes the  
 3 technical session and NFPA continues to,  
 4 you continuous improvement and I know  
 5 you've done some great things like  
 6 speeding up on the front end of  
 7 technology, I would urge you to continue  
 8 to look at the technical session. I  
 9 didn't know if Mr. Pardoe was going to  
 10 testify today, but I agree completely Ms.  
 11 Griffin's testimony was -- I knew it when  
 12 she was saying it, you I am the chair. I  
 13 couldn't, no one was there to advocate for  
 14 this change. Shame on them. No one spoke  
 15 for the committee's hard work. I just  
 16 stated what had happened and said that our  
 17 votes were also 20 to 1, me committee was  
 18 six enforcers. So we strongly felt this  
 19 was the right package but it wasn't my  
 20 role in a tech session to advocate for it.  
 21 But to say every expert would agree, every  
 22 expert in life safety code and emergency  
 23 evacuation and egress says these changes

1 violate the American Disabilities Act. I  
 2 am not sure if she thought we were voting  
 3 on those locking devices or jamming  
 4 devices, which is what we're trying to  
 5 avoid with this change. So I don't know  
 6 what she had been told we were voting on  
 7 but that was not correct. And frankly,  
 8 the other thing in the tech session, I  
 9 don't know if the laptops open, phones are  
 10 out but there were literally people eating  
 11 lunch during the change. And they were  
 12 trying to maneuver this through. When  
 13 statements are made like that, it violates  
 14 the ADA, it's just from verbal testimony  
 15 where people get on a roll. Frankly  
 16 Mr. Collin. And he was speaking as chair  
 17 of the egress committee and said decades  
 18 of experience for multiple operations  
 19 resulted in fatalities of schools. I  
 20 never heard of a fatality because of the  
 21 multiple operation on a door. So that is  
 22 just not right; but again people are  
 23 advocating. They are on a roll. But if

1 I'm sitting there and not paying attention  
 2 perhaps, it's a really unfortunate  
 3 stepping process, but it's an important  
 4 step and the outcome is what it is. I  
 5 with urge some continuous improvement of  
 6 the technical session process.  
 7 MR. ROEPER: Kurt Roeper. I'm  
 8 with ASSA ABLOY. I'm a member of  
 9 education and daycare committee. I  
 10 participated throughout this cycle myself  
 11 or my alternate at each of the meetings,  
 12 all of the ballots. Mr. Pardoe has  
 13 presented a reason technical argument this  
 14 morning but I believe throughout the  
 15 public input through the first draft  
 16 through the second draft, none of those  
 17 concerns were raised by Mr. Pardoe  
 18 although to the chair's point they were  
 19 all debated at length. And I believe you  
 20 have the record in front of you. You've  
 21 read the record. You will see that the  
 22 process was followed and the committee did  
 23 deliberate and ballot these issues. The

1 outcome may not be what one wished it to  
 2 be, but the process was followed. And I  
 3 believe that really is the purview of the  
 4 committee to determine whether or not that  
 5 was. And as a committee member that  
 6 participated and voted consistently  
 7 throughout this issue, I would simply like  
 8 to say in my opinion the process was  
 9 followed. It was followed correctly and  
 10 an outcome was generated from that, and  
 11 that is the outcome of the record. Thank  
 12 you.  
 13 CHAIRMAN BELL: Thank you.  
 14 MR. QUINTERNO: My name is Vincent  
 15 Quintero. I represent the Rhode Island  
 16 State Fire Marshals office. I provided  
 17 testimony, written testimony that you guys  
 18 should have all approved or seen. Besides  
 19 from that I would like to say a couple of  
 20 things. As an enforcer I have to enforce  
 21 what is enacted. So as this gentleman  
 22 Mr. Pardoe made a statement. It's nice to  
 23 have an opinion and going into what will

1 help not just myself as a fire marshal  
 2 also my brother and sister firefighters  
 3 have to go out and battle the fires. And  
 4 subsequent locks on doors could endanger  
 5 their lives as well too in a compromised  
 6 situation where there is smoke. By adding  
 7 secondary locking mechanisms to doors that  
 8 could jeopardize their lives as well too,  
 9 who are not in the building 180 days, and  
 10 who are not in the building every single  
 11 day of the week and have to deal with  
 12 buildings, multiple buildings within their  
 13 jurisdiction.

14 The second point I want to make  
 15 with a person of disability, I think  
 16 having the handle sometime one motion lock  
 17 sometimes difficult. Handle two motions  
 18 or multiple motions could in turn  
 19 jeopardize my life strictly on my behalf  
 20 not the American People with Disabilities  
 21 Act, on my behalf. A multiple locking  
 22 mechanism could in turn jeopardize my  
 23 evacuation from that building. So that's

1 what I have to say. Thank you.

2 CHAIRMAN BELL: Thank you. With  
 3 this, Mr. Koffel, would you like to share  
 4 your correlating committee's position?

5 MR. KOFFEL: Thank you, Mr. Chair.  
 6 Bill Koffel, Koffel Associates, chairman  
 7 of the correlating committee. This team  
 8 was identified very early in our revision  
 9 process as a key item to be addressed by  
 10 the respective committees. We had a  
 11 report in the school safety workshop with  
 12 the summary stating that one of the high  
 13 level theme is there is a need to  
 14 incorporate door locking and evacuation  
 15 relocation concepts that are contrary to  
 16 current standards. And the concern was as  
 17 has been pointed out by testimony here  
 18 today, that since the codes limit these  
 19 doors to a single releasing operation in  
 20 an existing building where it can be very  
 21 costly to change out all of the door  
 22 hardware we acknowledge door hardware  
 23 exists for new construction and that is

1 why the committees took this action for  
 2 existing buildings only. That there is a  
 3 need to potentially address that to avoid  
 4 after market products that will present  
 5 more of a risk to everybody, the fire  
 6 service, the occupants, whomever. And  
 7 it's my opinion that that's what our  
 8 technical committees did.

9 During the first draft the means  
 10 of egress committee put in language to  
 11 specifically permitted Chapter 7, a second  
 12 releasing operation as permitted by  
 13 Chapter 15 for educational occupancies.  
 14 During the second draft they voted to take  
 15 that language out. In going in to the  
 16 correlating committee I worked with staff  
 17 to prepare the agenda, and I specifically  
 18 asked that this item be called out  
 19 separately on the agenda among with some  
 20 others, because we had multiple committees  
 21 working on this. We had education and  
 22 daycare. We had mercantile business  
 23 working on it, and means of egress

1 obviously.

2 So through the second draft report  
 3 I can clearly state that the correlating  
 4 committee supported the language of the  
 5 second draft because we put back in  
 6 language similar to what means of egress  
 7 took out in the second draft. We expanded  
 8 it beyond educational, said we're  
 9 permitted by the occupancy chapters a  
 10 second releasing operation should be  
 11 permit. And earlier you asked me to speak  
 12 for the committee, that is really the  
 13 extent of which I can speak for the  
 14 correlating committee because we've not  
 15 met since that time. We have voted. You  
 16 saw the ballots. You will note that in my  
 17 ballot I expressed a subsequent  
 18 correlation issue with the action taken at  
 19 the association meeting. And it's not an  
 20 intercommittee correlation issue, it's a  
 21 correlation issue between chapters 14 and  
 22 15, new and existing educational, Chapter  
 23 16 and 17 new and existing daycare and

1 chapter 38, 39 new and existing business  
 2 occupancy. As a result of the ballot  
 3 results, you will have list in all six  
 4 chapters, however, the list in the new  
 5 occupancy chapter is going to be different  
 6 than the list in the existing occupancy  
 7 chapter. A Chapter 14, 16, and 38 it will  
 8 specifically say you're limited to one  
 9 releasing operation. In Chapter 15, 17,  
 10 and 39 that language isn't there. Now an  
 11 argument can be made that I can rely on  
 12 Chapter 7 text, but we all know that when  
 13 a user of the code sees a very detailed  
 14 list and it's different, we all wonder why  
 15 it's different. So do I come to the  
 16 conclusion that Chapter 15 was intended to  
 17 override Chapter 7, even though there is  
 18 not language in Chapter 7 and therefore  
 19 there is now no limit on releasing  
 20 operations because we're silent on the  
 21 issue? Do I go back to Chapter 7 and why  
 22 did the existing occupancy chapter rely on  
 23 Chapter 7 when the new occupancy chapters

1 haven't specifically stated.  
 2 So I think the outcome of the  
 3 ballot had presented a correlation issue  
 4 and I identified this in my ballot that I  
 5 would hope the Council would address. And  
 6 I would hope they would address it now  
 7 before the actual printing of the code. I  
 8 know it could be address through a TIA but  
 9 we all know that TIAs don't get the same  
 10 level of attention that something in the  
 11 code itself will get.  
 12 So from the correlating  
 13 committee's we support the concept of  
 14 having the permission for a second  
 15 releasing operation in existing  
 16 educational daycare and business  
 17 occupancy, containing classroom to address  
 18 the new threat that we're experiencing in  
 19 these buildings which is a security threat  
 20 call it active shooter that may not be the  
 21 only situation but our committee attempted  
 22 to address that. Thank you.  
 23 CHAIRMAN BELL: Thank you. Open

1 questioning to the Council.  
 2 MR. RICKARD: John Rickard, member  
 3 of Council. One question is do you  
 4 believe that the language should allow two  
 5 simultaneous operations as opposed to a --  
 6 MR. Dubrowski: No. That would  
 7 violate NCA 17.1 that would violate other  
 8 standards. No. It was just the second  
 9 releasing operation, not, there was no  
 10 statement that that was ever intended to  
 11 be. If it was that would have been a  
 12 different topic.  
 13 CHAIRMAN BELL: Yes.  
 14 MR. WOESTMAN: John Woestman,  
 15 BHMA. The language in 101 is silent  
 16 regarding that situation.  
 17 CHAIRMAN BELL: Any other  
 18 questions? Mr. O'Connor.  
 19 MR. O'CONNOR: Dan O'Connor,  
 20 member of Council. Mr. Pardoe, could you  
 21 comment on, I'm trying to understand are  
 22 there some actual incidents or there is an  
 23 anecdotal or statistical information, I

1 don't know what you have, that where  
 2 having the two releasing mechanisms would  
 3 have been a definite benefit to the  
 4 occupants?  
 5 MR. PARDOE: No, I can't say that  
 6 I have any information at all about that.  
 7 The only thing I can tell you when you are  
 8 talking about older existing doors, for  
 9 instance the high school that I went to  
 10 was built in 1956. Those doors this core  
 11 plaster doors are still in operation  
 12 today. All these years later. Some of  
 13 those doors, and I can't tell you with all  
 14 certainty, but some might have this  
 15 function earlier. That product has been  
 16 available as I said earlier for decades.  
 17 These products are out there in use today.  
 18 So my concern really is we have a  
 19 door that is compliant today. It's been  
 20 existing, been used without any hazards,  
 21 and enforcing these new requirements takes  
 22 a door that was formally complaint under  
 23 the old original code requirement and

1 changes it to noncompliant and forcing the  
2 school district to take action on it  
3 unnecessarily without any technical  
4 justification. That's my concern.

5 You have to remember the scale of  
6 what we're talking about and the timing of  
7 when some of these older doors were  
8 installed. It's not just doors installed  
9 last year or even ten years ago. You have  
10 doors 50s, 60s 70s that are still in play.

11 CHAIRMAN BELL: Mr. Bradley.

12 MR. BRADLEY: Just one to follow  
13 up what you just said. My name is Randall  
14 Bradley, member of Council. So if it's  
15 required by the code to be changed, why  
16 would it be noncompliant once it was  
17 changed?

18 MR. PARDOE: What I'm saying, the  
19 doors are already compliant because they  
20 were installed at the time of  
21 installation. Now all these years later  
22 we're changing the code and when you read  
23 the charging statement for tab 15, the way

1 that it is phrased, and I'm sorry maybe  
2 tweak a little, I don't mean to insult  
3 anyone but here is how I read it as a door  
4 and hardware patent for 30 years.  
5 Classroom door locking to prevent unwanted  
6 entry. There is no other reason in the  
7 world we lock a door except to prevent  
8 unwanted entry. I think we're all in  
9 agreement on that. The phrase unwanted  
10 entry is ambiguous. But here is how I  
11 think it would be important. In the  
12 charging statement is says locking of  
13 classroom door to prevent unwanted entry  
14 shall be permitted, provided a locking  
15 means is approved and all of the following  
16 provisions are met. That means if I have  
17 an existing classroom that has a lock on  
18 it that lock must be there to prevent  
19 unwanted entry. Therefore somebody can  
20 make the argument that all of my existing  
21 classroom doors have to be upgraded to  
22 these new requirements. And I don't think  
23 that would be the intent of the new

1 provision. I think the new provisions  
2 were to provide an option fore scenarios  
3 where a school district wants to upgrade  
4 certain doors, maybe not all, just certain  
5 doors. In fact I filed several amendments  
6 on these locking provisions because these  
7 locking provisions are seriously flawed.  
8 And if we have time I will take you  
9 through that, but you can make the  
10 argument that in these locking provisions  
11 they actually allow for the application of  
12 some barricades which is exactly the  
13 condition we're trying to prevent. So  
14 these locking provisions are flawed beyond  
15 just the topic of today's appeal.

16 CHAIRMAN BELL: Thank you.

17 MR. ROEPER: Kurt Roeper, ASSA  
18 ABLOY, again member of Education Daycare  
19 Committee. Offer a very brief point and  
20 this was deliberated at length by the  
21 committee. It clearly states shall be  
22 permitted. So it was the intent of the  
23 committee to write the language to provide

1 the guidance should you opt to go down  
2 this path. But I don't see where this has  
3 been made mandatory or the imposition of a  
4 hardship. It says shall be permitted.

5 CHAIRMAN BELL: Yes.

6 MR. DUBROWSKI: Victor Dubrowski,  
7 chair of the technical committee. Just to  
8 summarize then, this really all started  
9 with that landmark conference on concerns  
10 on school security. And the blocking and  
11 jamming devices. It is exactly, those  
12 devices. If somebody tried to use that  
13 language to permit one of those devices  
14 they'd have to get AHJ to agree with it.  
15 It's absolutely meant to provide a way  
16 that someone could add a deadbolt or some  
17 typical device instead of a blocking or  
18 jamming device.

19 CHAIRMAN BELL: Thank you.

20 MR. QUINTERNO: Victor Quintero,  
21 Rhode Island State Fire Marshals office.  
22 I'm also a member of the Means of Egress  
23 Committee, and also a member of the

105

1 Assembly Occupants Committee as well as  
 2 Building Fire and Safety Directors  
 3 Committee.  
 4 By adding secondary locks to these  
 5 doors, not just education, you look at  
 6 business use building as we. This opens  
 7 up a plethora of other obstacles where the  
 8 fire service might be confronted with.  
 9 And not just the fire service. How about  
 10 the occupants inside as well. If all  
 11 these rules that have to be confronted  
 12 with how to operate the door. How about  
 13 your parent or your relative in a store  
 14 one day, and there is second locking  
 15 mechanism, how can they get out of that  
 16 room. I'm just trying to wheel myself  
 17 back in here into a moment where I can  
 18 explain myself a little bit better. It is  
 19 difficult as a fire marshal.  
 20 Again as I said we have to enforce  
 21 what is enacted. A lot of these fire  
 22 marshals are not in the position on a full  
 23 time basis. A lot of them have other

106

1 jobs. And to make decisions that they  
 2 have to question. Nothing black and  
 3 white. It could be cumbersome to them. A  
 4 lot of these guys don't want to take on  
 5 the liability of making decisions whether  
 6 if that secondary locking mechanism is  
 7 good enough.  
 8 So it's something that I think  
 9 very strongly and passionate about, as you  
 10 guys can attest to that right now. But  
 11 something I want to take into  
 12 consideration and thank you for my  
 13 opportunity.  
 14 CHAIRMAN BELL: Any further  
 15 questions from Council? Mr. Golinveaux.  
 16 MR. GOLINVEAUX: Jim Golinveaux,  
 17 member of Council. For Mr. Koffel, I just  
 18 want to understand your testimony very  
 19 clearly. If the floor action is upheld,  
 20 are you saying that there is a correlation  
 21 issue or just an inconvenience? Is there  
 22 truly a correlation issue if floor action  
 23 is upheld.

107

1 MR. KOFFEL: Bill Koffel, chair of  
 2 the Correlating Committee, if one uses the  
 3 code in its entirety it is an  
 4 inconvenience. I think it gives the  
 5 appearance of a correlation problem  
 6 because the list are so similar but  
 7 different.  
 8 MR. GOLINVEAUX: Thank you.  
 9 CHAIRMAN BELL: Thank you. Final  
 10 questions from Council? If not, we go on  
 11 to closing remarks. And Mr. Pardoe, you  
 12 have five minutes. If anybody else wants  
 13 to speak, there are five minutes.  
 14 MR. PARDOE: Well in closing I'd  
 15 just like, we already talked briefly about  
 16 Ms. Griffin's remarks regarding the  
 17 releasing operations on accessible doors  
 18 violating the ADA and the accessibility  
 19 standards are at best inaccurate.  
 20 Mr. Woestman's door operation scenarios  
 21 were implausible when you consider that  
 22 the AHJs have to approved the locking  
 23 means, in addition to the purpose of the

108

1 emergency action plan and the periodic  
 2 safety rules. You can't overlook that.  
 3 Those are all part, the only reason we  
 4 have those as part of these locking  
 5 provisions is to make sure everybody knows  
 6 how to operate these doors in an emergency  
 7 condition.  
 8 As code and standard contributors  
 9 and developers we know that there are  
 10 always exceptions to the rules. For this  
 11 reason we know that there will be  
 12 instances where two separate  
 13 nonsimultaneous releasing operations are  
 14 acceptable for some existing classrooms  
 15 doors, especially in the scale of the  
 16 numbers we're looking at. We know that we  
 17 can rely on AHJs to make informed  
 18 decisions as to when certain conditions  
 19 are met that allow them to exercise their  
 20 discretion. Remember, if the AHJs is  
 21 making their approval we create this two  
 22 part provision subject to the AHJs  
 23 approval, they don't have to approve it

1 but it gives them the option to when it is  
 2 safe to make those, to approve that second  
 3 releasing operation. These locking  
 4 provisions were designed to address a  
 5 complex set of circumstances wherein we  
 6 need to balance life safety concerns under  
 7 normal and fire conditions with new  
 8 concerns for the run, hide, and fight  
 9 scenarios that might be needed to defend  
 10 against violent incidents in schools,  
 11 daycare facilities, and businesses.  
 12 Security doesn't come in a box, and it be  
 13 codified. Security is the result of  
 14 careful planning, implementation, and  
 15 execution of policies and procedures and  
 16 practices designed to protect people  
 17 against perceived threats.

18 I think the best path forward is  
 19 to adopt the two-part provision for  
 20 releasing operations on existing doors.  
 21 As I said in my opening comments, I  
 22 represent only myself. I don't sell doors  
 23 and hardware. I don't sell door barricade

1 devices. I don't own or operate a school  
 2 or daycare facility.  
 3 I teach people about codes and  
 4 standards that affect doors and hardware.  
 5 Whichever way this goes I have something  
 6 to talk about. That's all I have. Thank  
 7 you.

8 CHAIRMAN BELL: Yes.  
 9 MR. WOESTMAN: John Woestman,  
 10 BHMA. I am looking around, I think I  
 11 might be the only person that participated  
 12 in both the egress technical committee  
 13 meeting and the mercantile committee  
 14 meeting, education daycare committee  
 15 meeting, public input public comments and  
 16 the NITMAM. I think. Not certain but I  
 17 think. So I have been involved in this  
 18 process from the get-go trying to help  
 19 move things forward obviously in the right  
 20 direction. It's been interesting, very  
 21 interesting, very much a learning  
 22 experience. One thing regarding one  
 23 versus two releasing motions some of the

1 things in Dave Collins' comment regarding  
 2 the change in NFPA 101 back in 1988 that  
 3 formalized the doors to open not more than  
 4 one releasing motion when public hearing,  
 5 schools, business, et cetera. The change  
 6 was before the back-up by research. By  
 7 exposures and things that have happened.  
 8 And ask yourselves a question, what  
 9 research have we done in these technical  
 10 committees to back-up going from one to  
 11 two. I am not aware of any. What  
 12 questions were asked in the technical  
 13 committee such as what were the reasons  
 14 why this got more than one releasing  
 15 motion is in the code and have those  
 16 reasons been eliminated in today's  
 17 environment. I don't believe they have.  
 18 We have a relatively new risk of  
 19 situations that's on top of the entire  
 20 history of exposures and risks we have in  
 21 public environment. And I think we leap  
 22 from one to two releasing operations has  
 23 some, I mean this directly grave

1 consequences. And I recommend we not do  
 2 that. Thank you.

3 CHAIRMAN BELL: Thank you.  
 4 Mr. Koffel. Sorry, did anyone else want  
 5 to speak?

6 MR. COLLINS: Dave Collins, on  
 7 behalf of American Institute of  
 8 Architects. I am chair of the means and  
 9 egress, I think I spoke very clearly at  
 10 the hearing that I was not representing  
 11 egress. And my comments about the  
 12 incidents where people have been killed  
 13 due to inappropriate actions and blocking  
 14 doors I did not intend that to be  
 15 educational, came up that way. I did not  
 16 mean it that way. As a member of A 117  
 17 and very actively involved in ADA  
 18 activities. I understand that the  
 19 technical criteria aren't there but that  
 20 is not because they ignore that issue.  
 21 It's because the issue has been addressed  
 22 by these codes and by other codes  
 23 universally throughout the existence of

1 the Americans Disabilities Act not needing  
2 it to be addressed in that form. So thank  
3 you very much.

4 MR. KOFFEL: I think I'll just  
5 offer one comment to a recent comment you  
6 heard in the closing remarks. I think its  
7 pretty well clear that the code limits  
8 typically limits to one simultaneous  
9 releasing operation because we understand  
10 that there may be people who would not be  
11 capable of doing two simultaneous  
12 operations. How that impacts this  
13 particular situation, we are talking about  
14 classroom buildings. It could be one in  
15 who knows how many in those room. I would  
16 also offer most of us probably slept last  
17 night in a unit that has two releasing  
18 operations and is permitted by the code,  
19 and there might only be one person in that  
20 room. So I think the committee did  
21 recognize the need for typically  
22 addressing the one releasing operation but  
23 felt the security threat was needed to be

1 addressed as well. Thank you.

2 CHAIRMAN BELL: Thank you. With  
3 that we'll close this hearing. And I want  
4 to express my appreciation for coming to  
5 Quincy here and participating in this  
6 hearing and sharing the information and  
7 being part of the NFPA standards process.  
8 I want to remind everybody that the  
9 official decision of the Council will be  
10 issued in writing by the secretary of the  
11 Council, Dawn Michele Bellis. And no  
12 staff or Council member has authority to  
13 relay information. Thank you. We're  
14 going to move to the next hearing. **NFPA 5000**  
15 Good morning. My name is Kerry  
16 Bell, chair of the Standards Council. In  
17 a moment we are going to go around the  
18 room and have everybody introduce  
19 themselves by stating their name and  
20 affiliation. Before I do that, I just  
21 want to remind everybody and point out we  
22 have a stenotypist in the room who will be  
23 recording the hearing that we have here

1 this morning. And I would ask that if you  
2 are a speaker that you state your name and  
3 affiliation before you make your remarks  
4 so we capture that for the record. Also  
5 for those who will be speaking if you can  
6 give your business card to the stenotypist  
7 or Linda Fuller so that we can make sure  
8 that we spell your name and affiliation  
9 correctly for the record.

10 So with that, let's go into the  
11 introductions. Start here to the right  
12 and go around the table and then start on  
13 the first row in chairs in the back of the  
14 room.

15 MS. BELLIS: Good morning, Dawn  
16 Michele Bellis, NFPA secretary.

17 MS. FULLER: Linda Fuller, NFPA  
18 staff.

19 MR. QUITER: James Quiter, member  
20 of Council. And for the record on the  
21 first item I am recusing myself on the  
22 agenda item and will not participate as a  
23 member of the Standards Council on the

1 hearing, deliberations, or voting on this  
2 matter. I will however be participating  
3 in debate as -- chair and therefore I will  
4 be moving down joining Mr. Tompson.

5 CHAIRMAN BELL: Thank you  
6 Mr. Quiter.

7 MS. MANLEY: Bonnie Manley, member  
8 of Standards Council.

9 MR. KEITH: Gary Keith, member of  
10 Council. For the record on this  
11 particular item I am recusing myself. I  
12 will not participate as a member of the  
13 Standards Council in the hearing,  
14 deliberations, or voting on this matter.

15 MS. GLEASON: Patricia Gleason,  
16 member of Standards Council.

17 MR. SNYDER: Michael Snyder,  
18 member of Standards Council.

19 MR. BRADLEY: Randall Bradley,  
20 member of Standards Council.

21 MR. FRANCIS: Sam Francis,  
22 American Wood Council.

23 MR. O'CONNOR: Dan O'Connor,

117

1 member of Council. For the record I am  
 2 recusing myself on this agenda item, and I  
 3 will not participate as a member of the  
 4 Standards Council in the hearing,  
 5 deliberations, or voting on this matter.  
 6 MR. GOLINVEAUX: James Golinveaux,  
 7 member of Council.  
 8 MR. BEEBE: Chad Beebe, member of  
 9 Council.  
 10 MR. BUSH: Kenneth Bush, member of  
 11 Council.  
 12 MR. RICKARD: John Rickard, member  
 13 of Council.  
 14 MR. JOHNSTON: Mike Johnston,  
 15 member of Council.  
 16 MS. GALLAGHER: Ann Gallagher,  
 17 NFPA staff.  
 18 MS. EVERETT: Sally Everett, NFPA  
 19 staff.  
 20 MR. DUBAY: Chris Dubay, NFPA.  
 21 MR. REYNOLDS: Brad Reynolds,  
 22 Tencate.  
 23 MS. VECERELLI: NFPA staff.

118

1 MS. BOONE: Val Boone, NFPA.  
 2 MR. STULL: Jeff Stull,  
 3 International Personnel Protection.  
 4 MS. MAYNARD: Mary Maynard, NFPA  
 5 staff.  
 6 MR. PARRY: Roger Parry, DuPont  
 7 Company.  
 8 MR. DALE: Doug Dale, retired,  
 9 University of Alberta, Canada.  
 10 MS. LYDON: Brittony Lydon.  
 11 MR. HARRINGTON: Greg Harrington,  
 12 NFPA staff.  
 13 MR. SOLOMAN: Robert Soloman, NFPA  
 14 staff.  
 15 MR. COLLONA: Guy Collona, NFPA  
 16 staff.  
 17 MR. CORRADO: Steve Corrado, UL  
 18 representing the fire protection technical  
 19 committee.  
 20 MR. MAHONEY: Sean Mahoney, NFPA  
 21 staff.  
 22 MS. FREITER: Kristen Freiter,  
 23 NFPA staff.

119

1 MR. MORTON: John Morton-Aslanis,  
 2 North Carolina State University.  
 3 MS. LYDON: Brittony Lydon.  
 4 MR. STANHOPE: Michael Stanhope,  
 5 Tencate, Protective Fabrics.  
 6 MR. BARKER: Roger Barker, North  
 7 Carolina State University.  
 8 MS. HARTMAN: Lisa Hartman, NFPA  
 9 staff.  
 10 MS. RICE: Sara Rice, Preview  
 11 Group.  
 12 MR. COLLINS: Dave Collins,  
 13 representing American Institute of  
 14 Architects.  
 15 CHAIRMAN BELL: Thank you. In the  
 16 process we're going to follow the same  
 17 format as we did in the previous hearing,  
 18 allow a total of 10 minutes for each side  
 19 to provide their opening remarks and then  
 20 that will be followed up by questions from  
 21 the Council. And then we'll allow for  
 22 five minutes for any closing remarks.  
 23 Mr. Quiter pointed out we have the

120

1 correlate committee chair here and will  
 2 also be allowed to speak to this issue.  
 3 So Mr. Francis, I understand  
 4 you're speaking in support of this appeal;  
 5 is that correct?  
 6 MR. FRANCIS: Yes, sir.  
 7 CHAIRMAN BELL: Is there anybody  
 8 speaking against the appeal? Seeing none,  
 9 we'll go ahead and go into the opening  
 10 remarks and again state your name and  
 11 affiliation before you make your remarks.  
 12 Thank you.  
 13 MR. FRANCIS: Sam Francis,  
 14 American Wood Council. In the first draft  
 15 process of 5,000 the committee discussed a  
 16 couple of proposals, one of which became  
 17 certified amending motion 5,002. It had  
 18 to do with taller than normal wood  
 19 buildings, and the second of which was  
 20 amending motion 5000 become 5001 concealed  
 21 spaces. The committee put this forward as  
 22 a committee input seeking in public  
 23 comment about those ideas. One comment

121

1 was received at any rate. Second draft  
 2 both were moved forward as proposals. And  
 3 they were separated one from another.  
 4 Although they're very much intertwined,  
 5 they are not. The appeal before you 5001  
 6 concealed spaces is not dependent upon the  
 7 other motion which failed and that's  
 8 behind us. They're independent. And  
 9 that's important because at the time of  
 10 the committee meeting, this passed and  
 11 went forward. BLC passed it, it went  
 12 forward but TCC then looked at this, and  
 13 I'm a member of the TCC, looked at this  
 14 and said, it's integral to the other. So  
 15 for correlation purposes, because the  
 16 other failed, let's reject this. And  
 17 frankly, at the time I personally didn't  
 18 vote against that motion. Most of the  
 19 objections came because the efficacy of  
 20 this proposal concealed spaces hinged in a  
 21 large measure on testing that was being  
 22 done by FPRF and separately by ICC's tall  
 23 wood adhoc committee. Two separate sets

123

1 association meeting. My certified  
 2 amending motion 5001 passed. The other  
 3 one failed. We're done. But the  
 4 concealed space issues is the one that  
 5 passed. It's independent of the other.  
 6 It went back to BLC. BLC voted again and  
 7 it passed. That went back to TCC. And it  
 8 went back to TCC I might add right at the  
 9 peak of vacation season so there was shall  
 10 we say less than an abundance of  
 11 participation in the ballot. And it  
 12 failed to achieve the requisite 75 percent  
 13 vote to be approved by the TCC. It gets  
 14 67, two-thirds, but that is not the  
 15 standard by which -- so I filed this  
 16 appeal because three of the four negative  
 17 ballots cite one thing and that is a  
 18 correlation issue arguing that this  
 19 proposal would create a conflict with NFPA  
 20 13. I would direct your attention to Jeff  
 21 Hugo's negative simply because I  
 22 understood it better than the others and  
 23 I've talked to Jeff about it.

122

1 of testing. So those hadn't been  
 2 completed and negative votes almost all  
 3 sided that the testing wasn't complete.  
 4 And I didn't disagree. It went through  
 5 that way. But before NITMAM deadline  
 6 passed the testing, became complete and  
 7 now we had some data upon which to review  
 8 these proposals. So I filed NITMAM 5001,  
 9 5002, and cited among other things that  
 10 the testing was complete and all was  
 11 sufficient to move ahead with.  
 12 Now, the second one or the tall  
 13 building failed on the floor, okay. So  
 14 we're not discussing that any further. I  
 15 only raise it because at TCC this  
 16 discussion was the interrelatedness and so  
 17 let's at the first hearing we rejected it.  
 18 I voted for that. We rejected it because  
 19 most people said because of correlation  
 20 but for me it was because the testing  
 21 wasn't complete.  
 22 Let's move ahead on the floor and  
 23 you all have those transcripts of the

124

1 So what we have here is a  
 2 professional difference of opinion about  
 3 what is a conflict. And this body is the  
 4 one which adjudicates those differences of  
 5 opinion. My opinion is that 13 says that  
 6 I don't have to protect with sprinklers  
 7 certain concealed spaces. And in saying  
 8 that, it doesn't say that I can't do it.  
 9 But it says rather that I don't have to.  
 10 And that's important because this  
 11 amendment on concealed spaces says if you  
 12 have concealed spaces in type 4  
 13 construction you must protect them in one  
 14 of three fashions. Number 1, the building  
 15 is sprinklered throughout, and including  
 16 the concealed space. And that's the issue  
 17 that is viewed by those three balloters as  
 18 a conflict. And I suggest to you all that  
 19 it is not really a conflict because 13  
 20 didn't tell me I couldn't do that. It  
 21 said I didn't have to. More importantly,  
 22 this amending motion doesn't say I have to  
 23 do that either.

1 There are two other options. One  
2 is fill the space with noncombustible  
3 material. And the third then is protect  
4 with gypsum board so that no exposed  
5 combustible material exists in that space.

6 So what it comes down to in my  
7 opinion, is a difference of opinion of  
8 what is a conflict. The vote was 8 aye 4  
9 nay, three of the four said it's a  
10 conflict with NFPA 13. By the way the 4th  
11 cited a reference that occurred and that  
12 was taken care of in clarification ballot  
13 and the correct reference was  
14 accomplished. So at least in my opinion  
15 the negative was satisfied, at minimum,  
16 I'm looking at 9 to 3 and I think that  
17 that achieves the 75 percent. But more  
18 importantly, the technical questions of  
19 what is a conflict, and frankly, that's  
20 the question to this body. In my opinion  
21 this does not create a conflict. It's  
22 that simple.

23 CHAIRMAN BELL: Thank you,

1 to the appeal.

2 CHAIRMAN BELL: Thank you. Any  
3 questions from the Council this morning?  
4 I have one question of Mr. O'Connor which  
5 I understand you were one of the  
6 individuals on the correlating committee  
7 who voted negatively due to an incorrect  
8 reference in the CAM; is that correct?

9 MR. O'CONNOR: That is correct and  
10 that informational ballot, that was  
11 corrected. So it looks like that is all  
12 fixed, Mr. Francis' points out.

13 CHAIRMAN BELL: So based on the  
14 clarification with the change in reference  
15 that addresses your concern prior to  
16 negative ballot; is that correct?

17 MR. O'CONNOR: That's correct.

18 CHAIRMAN BELL: Thank you. Any  
19 other questions from Council? If not,  
20 we're going ahead and allow you to have  
21 five minutes for any closing remarks that  
22 you may have.

23 MR. FRANCIS: No thanks.

1 Mr. Francis. Mr. Quiter, do you have any  
2 comments at this point?

3 MR. QUITER: Yes. Jim Quiter,  
4 chairman of the correlating committee.  
5 First of all I am not taking a position so  
6 this is more just information. I agree,  
7 however, that these two items were not  
8 reliant on each other, and the first time  
9 around when the correlating committee  
10 rejected one because of the other that was  
11 probably a mistake.

12 In this case, this item failed  
13 because the correlating committee did not  
14 achieve its 3/4 majority as Sam said. And  
15 it did achieve a 2/3 majority. 6 of the  
16 18 members did not return their ballots.  
17 So we only had 2/3 of the people returning  
18 the ballot. For the technical committee  
19 who also voted on it, the vote was 18  
20 agree 2 disagree. Staff and I have  
21 discussed this issue and though we have  
22 not revisited with the correlating  
23 committee, I and staff have no objection

1 CHAIRMAN BELL: Any further  
2 remarks, Mr. Quiter?

3 MR. QUITER: I could use five --  
4 no, no.

5 CHAIRMAN BELL: Thank you. We're  
6 going to close this hearing, and  
7 Mr. Francis I want to express my  
8 appreciation for taking time to come here  
9 to Quincy and express your views on this  
10 issue and participate in NFPA standard  
11 process. I do want to remind the official  
12 decision of the Standards Council will be  
13 issued in writing by the Council's  
14 secretary, Dawn Michele Bellis. And no  
15 staff or Council is permitted to convey  
16 any information regarding that decision.

17 So with that we are going to stay  
18 on the record and move to the next  
19 hearing. And that is related to agenda  
20 topic 17-8-13-a concerning **NFPA 2112**. And  
21 at that point I am going to recuse myself  
22 from this hearing and not participate in  
23 deliberation or voting on this matter.

1 And I've asked Council member Mr. Quiter  
2 to chair this session. Mr. Quiter.

3 CHAIRMAN QUITER: Are there any  
4 other Council members with statements?

5 MS. GLEASON: Patricia Gleason,  
6 member of Council, and for the record I am  
7 recusing myself on this agenda item and I  
8 will not participate as member of the  
9 Standards Council hearing, deliberations,  
10 or voting on this matter.

11 CHAIRMAN QUITER: Any other  
12 Council members? We'll follow the same  
13 procedure that we have been following on  
14 the other items. That means appellant has  
15 10 minutes to talk cumulatively between  
16 all who have an interest in the matter and  
17 then we'll give the proponent also 10  
18 minutes to talk and again that's  
19 cumulative. So we'll be keep track of  
20 time, try to give you about a 10 minute  
21 warning when you are running out of time.  
22 So with that, I will open it up to the  
23 appellant. And remember please to each

1 time you talk to mention your name and  
2 affiliation for the purpose of the  
3 stenographer.

4 MR. PARRY: Roger Parry, DuPont  
5 company, member of the Flash Fire  
6 Protective Garments Technical Committee.  
7 Thank you, Mr. Chairman, and thank you  
8 Standards Council for hearing my appeal.  
9 I have an opening statement and a follow  
10 up on the record at the NITMAM for  
11 response to the anti trust. The trust  
12 stands as the documents that have been  
13 submitted to the Council.

14 Opening statement. As background  
15 for the Standards Council the appeal  
16 before you relates to a violation of NFPA  
17 protocols revision of NFPA 2112 and  
18 numerous technical issues. The Flash Fire  
19 Protective Garments Technical Committee  
20 has attempted to impose a technical remedy  
21 and operational beliefs on a utilized ASTM  
22 thermal manikin test standard that  
23 excludes currently certified laboratories,

1 restricts competition, and impacts the  
2 consumer. Specifically the technical  
3 committee expressed the desire to fix this  
4 ASTM standard to minimize the variation  
5 observed in global testing they felt  
6 unjustified. Unfortunately the proposed  
7 adjustments to NFPA 2112 do nothing to  
8 address the desire and introduce a host of  
9 other issues.

10 Although a noble goal, the  
11 technical committee with perhaps the  
12 exception of 1 or 2 people are unfamiliar  
13 with the myriad of issues that contribute  
14 to the results uncertainty for the ASTM F  
15 1930 test method used in NFPA 2112. And I  
16 am a member of the ASTM committee that  
17 deals with that standard. Unfortunately  
18 attempting to make changes without this  
19 background creates new problems that may  
20 not have been foreseen.

21 Move on to the antitrust potential  
22 which I did not have an opportunity to  
23 respond to during NITMAM. NFPA 2112 has

1 been quite successful in improving  
2 products for the market space in the USA  
3 and globally. It has essentially risen to  
4 be quasi-mandatory in its adoption in the  
5 FR market. To compete, in other words to  
6 sell and market goods, the marketplace is  
7 requiring compliance. As a result much of  
8 my esteemed colleagues use this standard  
9 to market their goods. Many of their  
10 objections that you've heard, seen in the  
11 record to my appeal are apparently being  
12 driven to avoid changes to their marketing  
13 messaging and eliminate any perceived  
14 market disruption. This is dangerous  
15 grounds for standards setting  
16 organizations.

17 We also have an issue with the  
18 submitter who brought this particular item  
19 which I am dealing with, there is specific  
20 intent, and conduct of which much of the  
21 technical committee has in the past raised  
22 concerns over possible per se treatment  
23 with the Sherman Act Part 1. These are

1 contracts, combinations and conspiracies  
2 in restraint of trade.

3 There is also a market foreclosing  
4 impact. The committee's actions  
5 standardized on one competitor,  
6 essentially circumventing decisions in the  
7 competitive market. This represents a  
8 monopolization action which also falls  
9 under the Sherman Act, Part 2,  
10 monopolization attempts to monopolize and  
11 conspiracies to monopolize.

12 Obviously standards development is  
13 dealt with here, and I'm sure you  
14 understand that there are federal statutes  
15 that drive standards development cases.  
16 We have the National Cooperative Research  
17 Act 1984, and Standards Development  
18 Organization Advancement Act of 2004,  
19 which I'm sure you're well aware of. Both  
20 of those require rule of reason to be  
21 applied in standards of development cases.

22 The rule of reason is essentially  
23 used to determine if there is injury to

1 competition. This and other applicable  
2 case law provide guidance in the form of  
3 questions and key items to look at when  
4 examining if there is a trademark or --  
5 sorry, antitrust issue with a particular  
6 issue at hand. I have brought out four  
7 questions that come from case law and from  
8 the rule of reason which I believe are  
9 very pertinent and address where my  
10 concerns lie.

11 The first question is has the  
12 standard organizations rules and  
13 regulations been followed? Unfortunately  
14 not.

15 Has there been appropriate public  
16 scrutiny to the proposed requirement?  
17 Unfortunately not.

18 Is there a sound defensible  
19 technical justification for that action?  
20 That's debatable and you probably hear  
21 things from my colleagues. My opinion is  
22 no, we don't have a sound technical  
23 justification.

1 But the 4th is actually the worst  
2 and that is is there any negative impact.  
3 Negative economic impact, and yes this  
4 particular change in NFPA 2112 will have  
5 only one laboratory globally currently  
6 certified to conduct the manikin testing  
7 according to the defined performance  
8 requirements. For my perspective that is  
9 unacceptable and that is basically where  
10 I'm coming from for the potential  
11 antitrust issues.

12 The other items I will let what is  
13 in the record stand and invite questions  
14 from the Council.

15 MR. QUITER: Is there anyone else  
16 who is part of the proponents? Just  
17 before you start for those who are  
18 speaking in opposition, who is actually  
19 going to do the speaking for the record so  
20 I can give you fair warning, you have 10  
21 minutes. You're all going to speak in the  
22 10 minutes.

23 MR. STANHOPE: I'm the time

1 keeper, by the way.

2 CHAIRMAN QUITER: I will also say  
3 that for guests in the room that it's up  
4 to the chair's discretion as to whether to  
5 allow guests beyond those speaking.  
6 Present today I'm led to do that, bear in  
7 mind if this runs really long I also have  
8 the authority to shut it down. So just so  
9 that we know what the rules are before we  
10 start. Go ahead.

11 MR. STANHOPE: My name is Mike  
12 Stanhope. I work for Tencate Protective  
13 Fabrics. I'm a charter member of NFPA  
14 2112. The issue here is very excessive,  
15 lab to lab variation in the NFPA 2112  
16 thermal manikin test. There is an extra  
17 year added to the 2112 cycle to deal with  
18 this issue. And there is a task group  
19 that was set up to try to remedy this and  
20 we very all very well understand the  
21 technical issues here. Believe me. After  
22 all this work. And then we decided to do  
23 was add a reference from testing to the

1 2112 requirements in the thermal manikin  
 2 testing. By the way the committee voted  
 3 19 to 3 to support this position. 19 to  
 4 3. At the annual meeting there were 12  
 5 speakers, ten of those from the committee  
 6 that were lined up to talk about this in  
 7 opposition to the appeal. That, you know,  
 8 including by the way the IAFF and IOSH in  
 9 support of opposition. 177 to 29 was the  
 10 vote at the annual meeting. And we're  
 11 here to continue this discussion. There  
 12 are five committee members and I'll yelled  
 13 to Denise Stanham.

14 MS. STANTHAM: Good morning,  
 15 Denise Stantham, I represent Bulwark  
 16 Protective Apparel. We are the largest  
 17 manufacturer of flame resistant garments  
 18 worn by workers who may be exposed to a  
 19 flash fire on the job. Safety managers  
 20 depend on us to provide accurate and  
 21 meaningful data regarding the performance  
 22 of the products we make and sell. And  
 23 percent predicted body burn generated by

1 thermal manikin testing is a data point we  
 2 are asked to provide routinely. And  
 3 safety managers uses those data points to  
 4 help them analyze their options and make  
 5 good choices for the clothing that they  
 6 ultimately issue to their employees.

7 Early in our revision cycle the TC  
 8 was made aware of new and more favorable  
 9 thermal manikin data being circulated on a  
 10 product that's been in our market for  
 11 decades. This data was generated  
 12 according to ASTM F 1930 the test method  
 13 used for calibrating and testing on  
 14 thermal manikin. But this new data  
 15 generated even more variability in the  
 16 field of data for safety managers to use,  
 17 and unfortunately data that is quite  
 18 variable and inconsistent between labs  
 19 could lead to an unfortunate--

20 CHAIRMAN QUITER: We have a bit of  
 21 a clarification on the front table and I'm  
 22 stopping the clock for a moment.

23 MS. EVERETT: The gentleman with

1 the phone who is recording the hearing.

2 MR. STANHOPE: I'm not recording.  
 3 It's a stop watch. We're serious about  
 4 this. Just, we want to be heard.

5 MS. EVERETT: I appreciate your  
 6 effort. I just want to make it clear no  
 7 recording of the session is not allowed.

8 MR. STANHOPE: It's a stop watch.

9 CHAIRMAN QUITER: Thank you.  
 10 Sorry.

11 MS. STATHAM: That's all right. I  
 12 appreciate it. The point here is that  
 13 inconsistent data could lead to an  
 14 unfortunate decision made by safety  
 15 manager in making choices about the  
 16 clothing they issue their employee. So  
 17 this is knowledge the TC felt compelled  
 18 and even obligated to try to address it in  
 19 our revision of NFPA 2112. A task group  
 20 was formed and we were given this charge:  
 21 To propose language to standardize the  
 22 calibration techniques on the thermal  
 23 manikin solely for the purpose of reducing

1 variation in the date and improving  
 2 consistency between labs. Thank you.

3 MR. DALE: Good morning. My name  
 4 is James Douglas Dale. I'm professor of  
 5 emeritus from the University of Alberta in  
 6 Canada. And I'm here to speak against the  
 7 appeal and in my capacity as project  
 8 leader for ASTM F 1930 the standard test  
 9 method for evaluation of flame resistant  
 10 clothing for protection against fire  
 11 simulations using an instrument of  
 12 manikin.

13 You heard earlier that in the NFPA  
 14 2112 which I am a member, there was a vote  
 15 19 to 3. I happen to be one of the  
 16 negative voters, but my reason for voting  
 17 negative was quite different from what  
 18 we're hearing today on the appeal.  
 19 Just for the record.

20 Denise Stantham has given you a  
 21 brief description of test method. I am  
 22 going to focus on the appellant's key  
 23 issues 2, 3, and 4 and add a comment on

1 something that has been added in the test  
2 method.

3 The use of the information from  
4 the existing precision and buyer statement  
5 in F 1930 to support the appeal is  
6 inappropriate and outright wrong for the  
7 following four reasons. 1, in 2000, 2002  
8 seven laboratories participated in a study  
9 documented in F 1930 of which only three  
10 laboratories participated in the later  
11 NFPA study in 2015. Two new laboratories  
12 were added to the 2015 study. Thus  
13 laboratories participating in these two  
14 studies were different.

15 One of the laboratories was common  
16 but had a new facilities were built and  
17 the other one in the 2000 study there was  
18 a three second duration as required in the  
19 NFPA 2112 study, but the clothing was  
20 different in that there were no T-shirts  
21 and briefs in the study in 2000 and 2002  
22 so that you can't compare the study that  
23 was done in 2015 where T-shirts and briefs

1 were required. One final item we also  
2 changed the evaluation technique and so we  
3 can't compare A with B. Thank you.

4 MR. BARKER: I'm Roger Barker,  
5 North Carolina State University. I want  
6 to talk to some of the technical issues  
7 very quickly. The task group chose two  
8 reference materials by consensus  
9 identified acceptable range of body burn  
10 values for those materials. The task  
11 group consisted of a wide range of subject  
12 matter experts from industry and academia.  
13 The recommendations are a product of  
14 thorough consensus process. The appeal  
15 uses a misleading comparison of  
16 uncertainties when referencing the  
17 precision statement in F 1930. The two  
18 round robins use different clothing  
19 configurations and there is a change in  
20 skin burn calculation as well. The  
21 realism of full scale fire exposures  
22 cannot be duplicated in bench top test.  
23 This is the reason why end users rely on

1 NFPA 2112 certification to form their  
2 expectations about thermal protection.  
3 One lab now indicated a much higher  
4 protection performance than had previously  
5 been reported has created confusion and  
6 concern in the industry. The wide  
7 variation in burn injury ratings show how  
8 fabrics can be introduced that would pass  
9 the manikin test in one lab and not in  
10 another. The use of reference garments as  
11 a confirmation of laboratory manikin test  
12 results is a good laboratory practice that  
13 will decrease lab to lab variation. The  
14 testing requirements are performance  
15 based, they are not exclusionary. There  
16 are no technical reasons why they cannot  
17 be met by any lab that chooses to do so.

18 MR. STULL: Jeffrey Stull,  
19 International Personnel Protection  
20 Incorporated. I'm speaking for the group  
21 to, against the appellants. I want to  
22 point out that fundamentally the  
23 reliability of a scan is something that is

1 important in the consumer marketplace. To  
2 have confidence that standard is indeed  
3 providing the sense of protection as  
4 afforded by these garments is critical for  
5 the acceptance of the standard.

6 So reliability is defined in  
7 several ways. Reliability usually means  
8 that there is a consistency in the  
9 product's performance as expected in that  
10 marketplace. So if a standard is out and  
11 there are differences seen in product's  
12 performance this leads to a lack of  
13 credibility.

14 I have had the pleasure of  
15 actually being involved in forming this  
16 group, the technical committee that's  
17 responsible for NFPA 2112. Part of that  
18 ensued from the fact that at ASTM, where  
19 I'm also an active member, have been prior  
20 committee chairman, so on, as well as in  
21 the ISO process, we simply couldn't gain  
22 consensus in certain areas.

23 This activity on my part as well

1 as any other members of the committee has  
 2 extended to try to bridge gaps between  
 3 test methods we rely on for establishing  
 4 requirements and setting realistic  
 5 criteria. But in order for that to happen  
 6 it's important that the methods be  
 7 reliable, by reliable, reproducible,  
 8 repeatable. And certainly when methods  
 9 are altered somehow in the marketplace and  
 10 the standard doesn't account for that,  
 11 that becomes a huge issue.

12 I want to speak today and to  
 13 emphasize the fact that having an ASTM  
 14 method, simply referencing generally is  
 15 not enough. There has to be activity on  
 16 the part of the specifier to ensure that  
 17 that standard is properly articulated in  
 18 terms of all specific parameters. And  
 19 certainly by the actions taken by this  
 20 committee and certainly all the avenues  
 21 that you hear from the different speakers  
 22 today in opposition, this committee has  
 23 gone out of its way to ensure that there

1 is full, open and transparency in the  
 2 committee process. Thank you.  
 3 MR. REYNOLDS: Brad Reynolds, I'm  
 4 with Tencate, and I am going to briefly  
 5 address the antitrust issues. I am not  
 6 technical. I like my toys. I will leave  
 7 to the technical committee a very  
 8 technical issues. I have three different  
 9 types of optic devices. The reason why  
 10 this rule change is not exclusionary is  
 11 that it does not say you can't use this  
 12 one, you can't use this one. It does not  
 13 say you absolutely have to use this one.  
 14 The tech committee passed a rule you can  
 15 use any one of these. The thing is you  
 16 have to zero. And you have to zero it not  
 17 to hit the bull's eye but to hit this area  
 18 there. That means that the technical  
 19 committee passed a rule that permits any  
 20 one of the labs to compete fully and  
 21 fairly. And by doing so they have ensured  
 22 competition. I would also suggest that  
 23 you have to look not just at the labs but

1 at the manufacturers themselves. Because  
 2 that is who the consumers are going to be  
 3 looking to. You heard from Denise  
 4 earlier, and the decision has to be made  
 5 by the manufacturers, and there has to be  
 6 something that is consistent so that the  
 7 consumer can compare from product to  
 8 product to product which one is better.  
 9 And because of that, I would suggest the  
 10 appeal be denied.

11 CHAIRMAN QUITER: Thank you. Is  
 12 there anyone from the committee wishing to  
 13 speak?

14 MR. CORRADO: Steve Corrado, I  
 15 work for Underwriters Lab and I'm chair of  
 16 the Flash Fire Protective Garments  
 17 Committee. I would like to reiterate that  
 18 with this issue the committee spent a lot  
 19 of time and took great pains to ensure  
 20 everyone was heard, that every opinion was  
 21 vetted. We believe that it was an open  
 22 and fair process. I wholeheartedly  
 23 believe the committee followed the

1 process, and I submitted in my  
 2 documentation prior to this meeting the  
 3 steps that we took along with any  
 4 committee input and second revision, etc.,  
 5 that I won't go over here again. You all  
 6 have that. I am not speaking for or  
 7 against this particular appeal. I am here  
 8 independently representing the actions of  
 9 the committee.

10 CHAIRMAN QUITER: I'm going to  
 11 open it up to questions since there were  
 12 so many people who spoke in opposition,  
 13 I'd perhaps like Mr. Stanhope as  
 14 quarterback. The opposition in general I  
 15 would like you to direct it. If it goes  
 16 to a specific person that's fine, but  
 17 trying to get some control over these  
 18 proceedings, before I lose it.

19 Are there any questions from the  
 20 Council? Mr. O'Connor.

21 MR. O'CONNOR: Dan O'Connor,  
 22 member of Council. Mr. Parry, I am  
 23 confused. I'm trying to understand you

1 are with DuPont. So is DuPont, are you a  
2 testing lab for this or is it that your  
3 fabric.

4 MR. PARRY: Roger Parry, DuPont.  
5 Both. We have not fabric but fiber, and  
6 we have a testing lab that does do manikin  
7 testing according to ASTM 1930 and ISO  
8 35.

9 MR. O'CONNOR: So Mr. Parry, does  
10 that mean are you a testing lab are you  
11 currently a certified testing lab for  
12 anybody's product who wants to come  
13 to you?

14 MR. PARRY: That is correct with  
15 some caveats adjudicated by our business.  
16 So obviously they want to test people that  
17 purchase DuPont fibers and that's done  
18 under an agreement that gives them access  
19 to our laboratories and technical people,  
20 and that agreement is controlled by the  
21 people who, the business people, people  
22 who buy product.

23 MR. O'CONNOR: I want to follow up

1 with that. I think you said earlier  
2 though that as a result of this change to  
3 have this manikin test with some  
4 calibration behind it, that would result  
5 in only one certified laboratory.

6 MR. PARRY: Roger Parry, DuPont.  
7 That's correct. Information I provided in  
8 the appeal there is only one certified  
9 laboratory that would meet the  
10 requirements globally.

11 MR. O'CONNOR: Dan O'Connor,  
12 member of Council. Is it possible that  
13 other laboratories can be certified to do  
14 this including yours?

15 MR. PARRY: Roger Parry, DuPont.  
16 Good question. The problem is that there  
17 are no instructions or changes applicable  
18 to ASTM 1930 that a laboratory could  
19 follow to get to the values that have been  
20 included in this item. These were  
21 included legislatively. They are not and  
22 consensus of tested materials, any  
23 laboratory itemized identification of how

1 this particular should perform, et cetera.  
2 So there is no background other than some  
3 testing that has been done to draw on what  
4 the proper value should be. So is there  
5 something in the standard that would allow  
6 you to do the testing? No. There are no  
7 instructions to make a change. Are there  
8 instructions in the standard to help with  
9 this variation? Yes, there are; but they  
10 aren't applicable to what this particular  
11 change would propose.

12 CHAIRMAN QUITER: I see a hand in  
13 the back.

14 MR. STULL: Jeffrey Stull. I  
15 would like to respond to that.  
16 Mr. Jeffrey Stull, International Personnel  
17 Protection. There is a specification as  
18 to how test method is carried out. And  
19 part of that specification how it is  
20 carried out is to use a standard reference  
21 product and to get certain types of  
22 results, essentially to qualify the test  
23 laboratories having accurate results.

1 Same principles. Standard reference  
2 materials are used throughout many  
3 industries, and many different test  
4 methods. In fact we should have more of  
5 those as part of our standards to prevent  
6 these kinds of issues. So the fact is is  
7 there, in accordance to Mr. Parry, Doctor  
8 Parry, the results of the round robin may  
9 indicate there is only one laboratory at  
10 the time that would qualify but there is  
11 nothing that prevents any laboratory by  
12 going through the entire test method  
13 specification meeting those requirements.  
14 The laboratory is a specification for  
15 consistency and for reliability of the  
16 test.

17 CHAIRMAN QUITER: Go ahead,  
18 Mr. Stanhope.

19 MR. STANHOPE: There are only  
20 three laboratories in North America  
21 operating today to begin with. And there  
22 is one and here are the other two. So I  
23 ask Doctor Dale and Doctor Barker can your

1 laboratories perform under the NFPA 2112  
2 requirements.

3 MR. DALE: We will with some  
4 modifications which we're undertaking,  
5 yes. Sorry. James Douglas Dale,  
6 University of Alberta. With our  
7 particular laboratory we have a short  
8 coming in one of our calibration  
9 techniques which we now know how to  
10 correct. So we expect that we will easily  
11 meet the requirements that are in the NFPA  
12 2112 system.

13 MR. BARKER: Roger Barker, North  
14 Carolina State University. Yes, we  
15 perform the test and meet the  
16 requirements.

17 CHAIRMAN QUITER: Unless there is  
18 a follow on from that I'll go off in a  
19 different direction. Generally when we  
20 have a test method and we have NFPA 2112  
21 or ASTM 1930 pretty much the same, what is  
22 the difference between 1930 and 2112? So  
23 can someone explain today that?

1 MR. CORRADO: Steve Corrado, UL,  
2 chair of the technical committee. NFPA  
3 2112 is the end product standard end  
4 product specification for the testing and  
5 certification of the actual garment. NFPA  
6 2012 points to a test method ASTM 1930 for  
7 the conduct of this particular test. The  
8 actual requirement for pass fail is in  
9 NFPA 2112. So ASTM F 1930 is just a test  
10 method. ASTM -- NFPA 2112 is the actual  
11 end product specification.

12 CHAIRMAN QUITER: Mr. Beebe.

13 MR. BEEBE: Chad Beebe, member of  
14 the Council. Mr. Parry, in your written  
15 appeal you had mentioned that new  
16 information was added in the second  
17 revision and in looking at your negative  
18 comment you actually reference a number of  
19 PIs provided based on a number of PIs  
20 submitted. Can you help clarify that for  
21 me? What was the new -- maybe you can  
22 specifically identify the new information  
23 that was added.

1 MR. PARRY: Roger Parry, DuPont.  
2 The new information that was added is  
3 identified in the document. This SR 52  
4 and SR 76. Those were added after the  
5 first revision, and they were not voted on  
6 or reviewed for public review of first  
7 revision. There are also two others, SR 7  
8 and SR 8 which also did not go through the  
9 process. I note them in my appeal. I did  
10 not bring them up at this time. They also  
11 have the same procedural problems that  
12 there introduction of technical material  
13 after first revision.

14 MR. BEEBE: Follow up I guess,  
15 could I get a position on the committee on  
16 that?

17 MR. CORRADO: Steve Corrado. In  
18 the information that I provided I point to  
19 committee input as well as minutes, et  
20 cetera, laying out the ground work for the  
21 committee's intent on adding information.  
22 This was also the reason that the  
23 technical committee requested of this body

1 an extension of a year to work on this  
2 very item. So we did have the committee  
3 inputs laying the ground work for the  
4 changes in the second revision stage.

5 MS. EVERETT: Sally Everett, NFPA  
6 staff. So Mr. Parry, I just want to  
7 understand in your opening remarks you  
8 said there were four questions that were a  
9 matter of antitrust consideration the  
10 first of which was whether or not the  
11 rules and regulations of the organization  
12 have been followed. In connection with or  
13 as follow on to Mr. Beebe's question with  
14 regard to the introduction of new  
15 material, is that the way in which the  
16 rules and regulations have not been  
17 followed, or are there other things or is  
18 that what you're referring to when you say  
19 the rules and regulations have not been  
20 followed?

21 MR. PARRY: Roger Parry, DuPont.  
22 That's correct. Section 4.4.4.2 the rules  
23 and regs clearly identify new material as

1 reject and hold or reject that was not  
2 followed in this case. This is not  
3 committee action. This was brought as  
4 outside at second revision and so this was  
5 not appropriate. I also point to the  
6 implications of that which is restraint of  
7 trade, and I'll leave that as it is.

8 MS. EVERETT: Thank you.

9 CHAIRMAN QUITER: Any other  
10 questions from Council?

11 Mr. Stanhope, you wanted to add to  
12 that?

13 MR. STANHOPE: Michael Stanhope,  
14 Tencate. I just want to make the point  
15 the record shows what actually happened  
16 during this long period of discussion  
17 about this issue. Mr. Corrado's  
18 information we presented some information  
19 as well. Thank you.

20 CHAIRMAN QUITER: Other questions  
21 of Council? Give us a second here.

22 MS. EVERETT: Sally Everett, NFPA  
23 staff. I want to understand the formation

1 of reducing the variability for this test.

2 MS. EVERETT: Sally Everett, NFPA  
3 staff. My understanding from the record  
4 it there was an input or committee input  
5 at the first draft stage with regard to  
6 this particular issue that referred to  
7 calibration at laboratories; is that  
8 right?

9 MR. CORRADO: Yes, ma'am. That  
10 was committee input number 25.

11 MS. EVERETT: Thank you.

12 MR. CORRADO: I have the committee  
13 statement related to that input if you  
14 would like to hear it.

15 CHAIRMAN QUITER: Go ahead.

16 MR. CORRADO: Committee statement,  
17 committee input number 25 the committee  
18 anticipates modifying this section and any  
19 other sections in the future depending on  
20 additional data pertaining the variability  
21 ASTM F 1930 test results. The  
22 modifications will likely focus on but not  
23 be limited to verification of the test

1 of the task group. So I don't know,  
2 perhaps Mr. Corrado you're in the best  
3 position to speak to that. How that came  
4 about and what the activity within the  
5 task group was.

6 MR. CORRADO: Steve Corrado, UL.  
7 In accordance with my comments to this  
8 body, I just liked to read item 3 directly  
9 from the minutes of the meeting if I  
10 could. And the committee discussed  
11 outstanding issues in regard to updating  
12 the standard to accommodate the new  
13 addition of ASTM F 1930, a committee input  
14 CR 25 was issued as a place holder for any  
15 necessary second revision pending results  
16 from a task group that was formed during  
17 this meeting. Task group membership  
18 consists of the following volunteers  
19 subject to change, and then there is a  
20 list of the ten volunteers representing  
21 test labs certification organizations and  
22 manufacturers from the committee. And  
23 their goal was to work on this very issue

1 computer code, the test garment and the  
2 calibration, a task group will be formed  
3 to address this.

4 MS. EVERETT: Thank you.

5 CHAIRMAN BELL: Any other  
6 questions from the Council?

7 MS. EVERETT: So Mr. Parry, I  
8 understand that DuPont then participated  
9 in the round robin testing through the  
10 task group; is that correct?

11 MR. PARRY: That is correct.

12 MS. EVERETT: Through all phases  
13 of that round robin testing?

14 MR. PARRY: That is correct.

15 MS. EVERETT: Thank you. Are you  
16 aware, Mr. Parry, I believe you mentioned  
17 that you are also involved with the ASTM  
18 1930 committee. Are you aware of any  
19 activity they've undertaken with regard to  
20 the question of calibration?

21 MR. PARRY: Roger Parry, DuPont.  
22 Yes, I am a key member of that committee,  
23 and yes, I am familiar with calibration

1 and what has been discussed here with this  
2 item is not a part of that standards  
3 development currently.

4 MS. EVERETT: So they're  
5 undertaking activity with regard to  
6 calibration but not --

7 MR. PARRY: Not this.

8 MR. DALE: James Douglas Dale,  
9 University of Alberta. As chair of the F  
10 1930 working group to follow on this.  
11 Some of the recommendations from within  
12 NFPA 2112 are going to implemented into  
13 F 1930 concerning the calibration. This  
14 is one of the aspects of what the study  
15 group produced. And so there is some  
16 guidance to ASTM and how to upgrade the  
17 particular test method and the calibration  
18 in particular to help minimize some of the  
19 errors that we see in the earlier  
20 laboratory.

21 CHAIRMAN QUITER: Thank you.

22 MS. EVERETT: Sally Everett, NFPA  
23 staff. Again in your opening remarks in

1 connection with the antitrust aspect of  
2 the appeal action, you mentioned that the  
3 rules and regulations have not been  
4 followed which we discussed with regard to  
5 new material. The second element there  
6 has not been public scrutiny of this  
7 particular change. I take it that relates  
8 the same position which is the new  
9 material has second draft stage; is that  
10 right.

11 MR. PARRY: Roger Parry, that's  
12 correct. New material.

13 MS. EVERETT: Thank you. I  
14 believe the balance of your appeal papers  
15 on your appeal speak to your view on  
16 technical justification, is that right, or  
17 anything further you would like to add?

18 MR. PARRY: Roger Parry. There is  
19 a piece I would like to add which rebuts  
20 some of the opposition. And that's around  
21 analysis variation. The statistics for  
22 this are rather interesting because there  
23 are a lot of known variations in this test

1 method. There is a 5 percent variation  
2 allowed in heat flux. There is a 3  
3 percent variation allowed in standard  
4 garment size. 2.6 percent variation  
5 allowed in manikin size, and there is a 3  
6 percent sensor -- reference sensor  
7 variation that is allowed in the standard.  
8 These are all statistics for variation  
9 that if you actually do a propagation of  
10 error just for those we're at 7 percent.  
11 So the inclusion that I mentioned in the  
12 technical part of the variations beings  
13 too tight are supported both with the  
14 standards precision by statement as well  
15 as independent analysis of variation  
16 statistics.

17 MS. EVERETT: Help me understand,  
18 is that 7 percent variation within the lab  
19 or as comparison lab to lab?

20 MR. PARRY: Roger Parry, DuPont.  
21 That is the test method variation just  
22 looking at those four variables not  
23 looking at the entire standard itself.

1 And I might add that that is the reason  
2 why missed and others find the variation  
3 allowed in the standard to be so good  
4 because they don't see that in fire test  
5 standards.

6 MS. EVERETT: Thank you.

7 CHAIRMAN QUITER: Mr. Snyder.

8 MR. SNYDER: Mike Snyder, member  
9 of Council. Doctor Parry, have there been  
10 previous round robin testing on standard  
11 objects before the current round that has  
12 been discussed.

13 MR. PARRY: Roger Parry, Dupont.  
14 Yes. That is mentioned by Doctor Dale.  
15 We did round robin, 2000, 2001 which was  
16 probably the largest round robin done.  
17 And there were several smaller ones that  
18 included firefighter turn outs and round  
19 robins to the ISO 13506 which basically  
20 follow the same mechanism as the ASTM.

21 MR. SNYDER: Michael Snyder,  
22 member of Council. The difference, I'm  
23 just trying to get a high level view, were

1 there as much variation in that testing  
 2 regimen as with the more modern round  
 3 robin testing?  
 4 MR. PARRY: Roger Parry, DuPont.  
 5 There weren't enough tests performed in  
 6 this last round robin to be able to make  
 7 an assessment of precision advise and that  
 8 was one of the other comments I made we're  
 9 missing a lot of information to  
 10 appropriately diagnose whether the  
 11 variation is correct or not for this  
 12 particular item.

13 MR. SNYDER: Let me ask the same  
 14 question to the opponent. Your view of  
 15 previous round robin testing and its  
 16 significance.

17 MR. STANHOPE: ASTM 1930 is very  
 18 complex and there are many loopholes for  
 19 variation in ASTM 1930. The test method.  
 20 So rather than wait for or rely upon the  
 21 ASTM group to fix those loopholes which we  
 22 consider will take much, much time, we  
 23 added the requirement for reference

1 information. And without going back and  
 2 rewriting 1930 we saw the best way of  
 3 doing that, and by the way we do that for  
 4 the TTP test which is also in the  
 5 standard. This is a reference set. And  
 6 made sure that all the labs get the same  
 7 value or similar values on a reference  
 8 set. So that what we did and that's what  
 9 this debate is all about. I also think  
 10 John Morton has a point about, one of  
 11 Doctor Parry's previous points on the  
 12 variation of the test itself.

13 MR. MORTON-ASLANIS: John  
 14 Morton-Aslanis, North Carolina State.

15 So what Doctor Parry was talking  
 16 about, the amount error that is in the  
 17 instrumentation itself. That is the 7  
 18 percent range he was accounting right  
 19 there. That has no relationship  
 20 whatsoever to the burn percent range that  
 21 we provide. So again it's another apples  
 22 oranges comparison he is trying to make  
 23 there, and they're not applicable.

1 garments to be tested by any laboratory  
 2 that wishes to be qualified to certify  
 3 materials for NFPA 2112. And these  
 4 reference garments for your lab to  
 5 participate have to fall within a certain  
 6 percent body mode. Very reasonable. So  
 7 that is the overview of what is going on.  
 8 In the previous round robins first off  
 9 there is apples and oranges issue. None  
 10 of those previous round robins tested  
 11 exactly what we tested here because we  
 12 used the NFPA 2112 protocol. Here is the  
 13 other issue. There is a substantial  
 14 difference, you ask about differences.  
 15 One substantial difference is, in any  
 16 case, was results that we've seen from  
 17 this lab, from the DuPont lab over the  
 18 past two years. Values have dropped  
 19 substantially from that lab. So that sort  
 20 of where it stood and why we wanted to try  
 21 to get a handle on the lab-to-lab  
 22 variability end users and safety managers  
 23 deserve to have a uniform source of

1 MS. EVERETT: Sally Everett, NFPA  
 2 staff. One other question. NFPA staff.  
 3 Mr. Parry in your opening remarks you made  
 4 reference to something about the intent of  
 5 the submitter. And I didn't understand  
 6 your reference. I would if you can  
 7 clarify what it was they were submitting  
 8 and what your comment was.

9 MR. PARRY: You just heard it from  
 10 Mr. Stanhope. He made a per se statement  
 11 because he did not like the DuPont values.  
 12 That's really unacceptable in a standards  
 13 organization. There are no acceptable  
 14 results because there are no accurate  
 15 results. This is a test method that  
 16 measures a response of fabric. There are  
 17 no accepted values for the values of those  
 18 garments. Differences that are observed  
 19 happen to do with variation in the test  
 20 method as opposed to what Mr. Aslanis says  
 21 from NC State, which by the way were the  
 22 winner of the selection because they had  
 23 the number exactly identical to what

1 Mr. Stanhope selected. These are things  
 2 that we react to that are really  
 3 exclusionary. This is not really kind of  
 4 behavior I would expect NFPA to endorse.  
 5 CHAIRMAN BELL: Mr. Stanhope.  
 6 MR. STANHOPE: Mark Stanhope,  
 7 Tencate. Object to is variation in  
 8 testing method. I'm a mechanical  
 9 engineer. I understand these things. And  
 10 what I also saw was that one of the three  
 11 test houses had a substantial drop in  
 12 their reported values for body burns. And  
 13 it happened about two years ago. And  
 14 these gentlemen here can tell about that  
 15 as well. And what we wanted to do is  
 16 bring those three test houses or whoever  
 17 wants to be a part of 2112 testing back  
 18 into a reasonable set of values. In fact  
 19 prior to two years ago that laboratory was  
 20 right in line with the other test houses.  
 21 Our company supplies most of the fabric  
 22 for protective clothing. We follow these  
 23 things. I have been involved in this for

1 over 30 years. We follow these values  
 2 religiously. And it we saw this change,  
 3 this variation. The question was who is  
 4 right. And the point is as Roger says  
 5 nobody is particularly right. It's keep  
 6 the test method reasonable within certain  
 7 boundaries. And the only way to do that  
 8 that we saw without waiting for changes in  
 9 1930 was to have a set of reference  
 10 garments and have values that those  
 11 reference garments should meet. Very  
 12 straight forward. And the committee  
 13 supported that argument 19 to 3.  
 14 CHAIRMAN QUITER: One more comment  
 15 in the back.  
 16 MR. DALE: James Dale, University  
 17 of Alberta. Is to follow on from what  
 18 Mr. Stanhope just mentioned. In 2011 we  
 19 changed the skin burn injury in the  
 20 evaluation technique. It was actually a  
 21 suggestion from DuPont, and when we looked  
 22 at it we expected to see a decrease in the  
 23 amount of skin injury predicted with the

1 new model. The model at least what I  
 2 looked at is what is called adolphe  
 3 effect. In medicine in dealing with the  
 4 body we always talk about medical dosages.  
 5 And it's not the energy, it's the rate at  
 6 which the energy is delivered that is  
 7 important. So you have a large amount of  
 8 energy, long time, nothing will happen to  
 9 skin. If you take the same amount of  
 10 energy put it in a very short rate of  
 11 time, the skin gets elevated temperature  
 12 and it begins to degrade. From the dosage  
 13 point of view we expected to see about a  
 14 14 to 15 percent reduction. The one lab  
 15 we saw a 40 percent or above reduction.  
 16 Whereas the other laboratories all  
 17 reported something in the 10 to 15 percent  
 18 reduction area. And this is what  
 19 Mr. Stanhope has pointed up is all of a  
 20 sudden something new has happened and so  
 21 one laboratory has done something  
 22 different that is so different from the  
 23 rest that they're getting an abnormal

1 result in what historically we expected to  
 2 see.  
 3 CHAIRMAN QUITER: Mr. Parry.  
 4 MR. PARRY: Roger Parry. I would  
 5 like to respond to that salacious comment  
 6 because it was not a 40 percent reduction,  
 7 in fact Doctor Dale had some problem most  
 8 of the committee has a problem with how to  
 9 deal with percentages. The change was  
 10 observed was an 8 to 10 percent change.  
 11 We changed from where it currently was in  
 12 2011 to about 10 percent lower. Not 40  
 13 percent lower, not 44 percent lower as  
 14 others had suggested, but 10 percent  
 15 lower. I just like to make sure everybody  
 16 recognizes that Doctor Dale also noted  
 17 that the variations in the test method  
 18 that were proposed are too tight. So he  
 19 is actually supporting one of the elements  
 20 in my appeal, and we've already pointed  
 21 out that 4 percent is not appropriate for  
 22 this test.  
 23 So we have some issues here around

1 creative use of math, and some folks  
2 around how do you actually look at an  
3 address changes that are instituted in the  
4 ASTM test method and how to address them  
5 in 2112.

6 CHAIRMAN QUITER: Before I move  
7 any further, I recognize this is an  
8 emotional issue but I'd like to keep  
9 emotions and adjectives out of the  
10 discussion. So with that, turn it back  
11 over to you, sir.

12 MR. DALE: James Dale, University  
13 of Alberta. Doctor Parry has commented  
14 yes, his burn injury went down by about 15  
15 percent that is from 36 percent to 20  
16 percent. But when you work out the  
17 surface area of the manikin, what that  
18 works into, it's a 40 percent reduction in  
19 surface area. Because the manikins have a  
20 particular area, you can take 36 percent  
21 of 1.8 square meters, work that out. You  
22 can take 20 percent of 1.8 square meters  
23 and look at the difference, and the

1 burn injury.

2 MR. SNYDER: Mike Snyder, member  
3 of Council. Relative to the hardware of  
4 the manikin, has anything materially  
5 changed in the lab say in the last two  
6 years?

7 MR. PARRY: Roger Parry, DuPont.  
8 No, other than we have improved our sense  
9 of technology.

10 MR. MORTON-ASLANIS: John  
11 Morton-Aslanis, North Caroline State. If  
12 I can ask Mr. Parry a question?

13 CHAIRMAN QUITER: We don't do  
14 that.

15 MR. MORTON-ASLANIS: Okay. There  
16 are a couple of things that, my  
17 understanding, have changed. T  
18 instrumentation itself and the data  
19 acquisition. Not in the last two years  
20 potentially; however, it occurred in the  
21 last five years. So sensors have changed  
22 and the data acquisition to the hardware.

23 CHAIRMAN QUITER: Are there any

1 difference is 40 percent or 44 percent.

2 CHAIRMAN QUITER: Mr. Snyder.

3 MR. SNYDER: Mike Snyder, member  
4 of Council. Doctor Parry, one of the  
5 things as an engineer when something  
6 significant changes in output one of the  
7 questions I always ask is there something  
8 in the system that has changed. And so  
9 maybe again a high level from the  
10 equipment in your laboratory as far as  
11 equipment and operations procedures, has  
12 anything materially changed in the last  
13 two years in your laboratory.

14 MR. PARRY: Roger Parry. Yes. We  
15 adopted the new ASTM F 1930 burn injury  
16 model.

17 MR. SNYDER: Mike Snyder, member  
18 of Council. So that is an algorithm or  
19 does that actually adjust some of the  
20 hardware in the manikin itself?

21 MR. PARRY: Roger Parry. It's an  
22 interpretation of the burning, the heat  
23 transfer to the manikin projected to a

1 final questions from Council?

2 MS. BELLIS: Dawn Bellis, NFPA  
3 staff. We've had a lot of talk about F  
4 1930 and NFPA 2112. Can someone clarify  
5 my understanding of where that criteria  
6 and discussion belong in F1930 or NFPA  
7 2112.

8 MR. STULL: I would like to take  
9 that -- Jeff Stull, International  
10 Personnel Protection. I learned many  
11 years ago how to work ASTM with NFPA.  
12 ASTM generally had been a great provider  
13 of test methods and those test methods  
14 provide results. But in order for an  
15 exacting level of detail to create  
16 reliability in the application of specific  
17 criteria, it's important to specify  
18 certain parameters within the test and how  
19 those results can be subject to  
20 interpretation.

21 So to answer your question  
22 directly, NFPA 2112 is the appropriate  
23 body because it's setting the

1 specification for acceptable predicted  
2 body burn as part of the requirements for  
3 flash fire protective garment.  
4 ASTM F 1930 is a test method that simply  
5 produces test results without any specific  
6 indication of how those results should be  
7 interpreted.

8 MS. BELLIS: Thank you.

9 CHAIRMAN BELL: Mr. Parry, DuPont.  
10 I would like to respond to that. 2112  
11 does not give acceptable percent body burn  
12 injury in the method. The method sets a  
13 threshold that says anything above 50  
14 percent is unacceptable. It doesn't do a  
15 specific test value. Does not have a  
16 specific test value reporting. The ASTM  
17 test method however does put together a  
18 test result and the percent body burn.  
19 That information is what is put into NFPA  
20 2113 which it care select use guide which  
21 identifies and helps the end user select  
22 the appropriate garments. So remember  
23 2112 is a minimum specification standard

1 has nothing to do with what the protective  
2 value of a particular garment is being  
3 tested. The other to recognize is that  
4 garment that is tested is not something  
5 that can be purchased anywhere. There is  
6 a special garment designed for the test  
7 exclusively for the test. And the value  
8 for that has been compared to the 50  
9 percent threshold.

10 CHAIRMAN QUITER: Any final--

11 MR. STULL: I want to follow up on  
12 that. We write standards to set minimum  
13 requirements to define minimum expected  
14 levels of protection for individuals that  
15 may use those products. And while I'll  
16 bite the specific requirements that we  
17 establish don't completely and always  
18 directly correlate, they are an intended  
19 basis for qualifying a product acceptable  
20 or not within a marketplace. And this is  
21 how and why we have to be responsible as a  
22 technical committee that takes on the  
23 charge of protecting individuals that rely

1 on products that under adverse  
2 circumstances to be providing test  
3 information that is reliable and accurate.  
4 CHAIRMAN QUITER: Any final  
5 questions from the Council? At this point  
6 I'll open it up for final statements.

7 Start with the proponent, five minutes,  
8 and then opponents for five minutes.

9 MR. PARRY: Roger Parry, DuPont.  
10 I apologize to the Council for getting a  
11 little emotional. It is an emotional  
12 issue, strikes at the heart of our  
13 particular testing technology.

14 I would like to basically have you  
15 put out of your mind the technology that  
16 we have been discussing but it's really  
17 not what the issue is here. The issue we  
18 have here, two really major issues, two  
19 major problem. The first problem is it  
20 did not follow the NFPA procedural method  
21 to put this into a standard. It was not  
22 done appropriate. In spite of what is put  
23 in on CI 25, this particular, talking

1 about did not come from CI 25. This came  
2 from an outside comment or outside item  
3 from the public. Actually the public  
4 turned out to be Mr. Stanhope. So this is  
5 not included under the task group that was  
6 doing the work. So we had no input into  
7 this document or specification for the  
8 garments that was put in in this item.

9 Second, we keep hearing words like  
10 the method is not reliable and accurate.  
11 The method is a test method. It produces  
12 results. It produces results that have  
13 some variability to it, and the variation  
14 is quite good. It's 7 percent we do  
15 pretty well. Unfortunately, the 4 percent  
16 plus or minus 4 percent which has been  
17 cited as the reference value is not  
18 attainable. If it was 7 percent what they  
19 didn't tell you is DuPont's lab would meet  
20 the specification and we would be happy,  
21 kind of, but that is not what was done.  
22 In fact the selection of 4 percent was  
23 done to purposely to exclude. That is the

1 other problem. We have a group of folks  
 2 that want to preserve and minimize  
 3 distraction to the end customers who are  
 4 now looking at these numbers because  
 5 people are now marketing with them. We  
 6 have customers who don't understand that a  
 7 number that is 35 and a number that is 37  
 8 are actually the same number with this  
 9 test number. The number that we have in  
 10 our round robin turned out to be the same  
 11 number. Unfortunately the specification  
 12 introduced made them different numbers.  
 13 That's a problem.

14 There had been talks about well,  
 15 DuPont's lab they're out of sync, out of  
 16 touch. No. DuPont's lab is applying new  
 17 technologies and meeting the requirements  
 18 of the standard. The discussion you heard  
 19 about our apparatus was we added a new  
 20 faster bid acquisition system to meet the  
 21 requirement also of the F 1930 standard.  
 22 That is something we could do. Do you  
 23 want to go from two samples a second to 10

1 samples a second, there is a very clear  
 2 path to good there. Do you want to create  
 3 a garment result that's 20 plus or minus  
 4 4, there is no instructions on how to get  
 5 there.

6 So we really have a problem where  
 7 we have folks that desire, strongly desire  
 8 to have the same number of tests  
 9 everywhere in the world. And  
 10 unfortunately I think the same number is  
 11 the identical number and that's not going  
 12 to happen. There is variation in test  
 13 method. Variation I cited, the 7 percent  
 14 is an analysis of variation, analysis of  
 15 variation carries over to anything you get  
 16 as a result. No matter if it's a burn  
 17 injury which is actually expediential so  
 18 the numbers are actually much larger but I  
 19 would be conservative at 7 percent.

20 From a standpoint of is there some  
 21 other way we can do this? Yes, there are  
 22 other ways, better ways that we can do to  
 23 address this sort of issue. We talked

1 about those at the standards committee and  
 2 the technical committee was not  
 3 interested. They wanted to do this. Now  
 4 what you didn't realize is the  
 5 laboratories that did not make the cut  
 6 were two of the national laboratories  
 7 Atext and BTTG who also, yes, they are U L  
 8 certified to do 2112 testing. We're going  
 9 to eliminate them from that opportunity by  
 10 imposing this SR 52 and SR 76 into the  
 11 standard. There is actually only one  
 12 laboratory that can meet this and that's  
 13 why NC state was so good about they can  
 14 get there because they are the ones that  
 15 the selection was based on. Doctor Dale  
 16 has future projection he believes he might  
 17 be able to get there. Currently that is  
 18 not the case. So apparently we still have  
 19 excluded everyone in the world other than  
 20 one particular laboratory. Maybe that  
 21 will change. I don't know. But there is  
 22 also a lot of activity to upgrade the F  
 23 1930 standard. And some of the things

1 that have been included here will be a  
 2 problem later on as we fix UL or reduce  
 3 the variation in F 1930. We come to a  
 4 position where we'll find the identical  
 5 garment value for all the labs in the  
 6 world? Probably not. We have a lot of  
 7 different testing technology but we  
 8 actually do quite well with the testing  
 9 technologies that are out there and that  
 10 within lab are about 7 percent, 8 percent  
 11 and the lab to lab it varies depends on  
 12 the particular product and particular  
 13 laboratory technology that has been used.

14 My appeal is we should not be  
 15 putting stakes in the ground that, quote,  
 16 are accurate results because there are no  
 17 accurate results. They're testing  
 18 methods. That anything that we put in  
 19 have the appropriate variation assigned, 4  
 20 percent is not an appropriate variation.  
 21 And that we make sure that we are not  
 22 excluding or reducing the customer's  
 23 ability to test at whatever testing lab

1 that they like to test at by writing in  
2 specifications that only or basically  
3 select a single laboratory in the US.  
4 So those are really kind of key  
5 issues that are driving me to this appeal.

6 CHAIRMAN QUITER: Thank you.  
7 Mr. Stanhope.

8 MR. STANHOPE: Mr. Stull, please.

9 MR. STULL: Jeff Stull,  
10 International Personnel Protection. If I  
11 had a classical problem and I went to a  
12 laboratory and I got a 250, and then I  
13 went to another laboratory and I got a 200  
14 or let's say 150, it would be a remarkable  
15 reversal of my problem. The fact is that  
16 interesting enough years ago results that  
17 were put out by most of the laboratories  
18 were relatively in the same level. But  
19 really what I want to address in this  
20 closing statement is the questions that  
21 Doctor Parry brought up in his opening,  
22 and that formed the basis of his antitrust  
23 argument.

1 And that was first that the  
2 procedures of the organization, standards  
3 organization were not followed. I think  
4 you've clearly heard that this group has  
5 gone out of its way to provide an  
6 announcement to the public as well as to  
7 all those involved as to its intended  
8 direction. It went to the extent of  
9 delaying the process to provide for an  
10 excruciating detailed level of review and  
11 certainly that public review took place  
12 during the first draft and second draft  
13 processes. So I don't see how any finding  
14 could be made relative to the fact that  
15 there has been a lack of openness or  
16 transparency on the part of the technical  
17 committee.

18 In terms of providing sound  
19 technical justification which was Doctor  
20 Parry's third argument, I would like to  
21 point out that you've heard a variety of  
22 different issues with percentages and this  
23 and that. The fact is the committee felt

1 concern that test method results were more  
2 variable than they had observed in the  
3 past, and that the public, the consumer  
4 public, relies on its standard for  
5 liability and qualifying product for their  
6 safety. There can be a number of issues  
7 that can be brought up. The fact is that  
8 these standards produce results.  
9 Consumers look at those results. They  
10 want to have confidence when they see a  
11 label and a product that the standard is  
12 being met and certified through an  
13 independent certification process which we  
14 requires mandatory as part of the  
15 conforming assessment for these types of  
16 products, that it means something. And by  
17 having results that are not reliable or  
18 not consistent, I think that disrupts the  
19 public trust in those kinds of standards.

20 Lastly, the negative impact that  
21 Doctor Parry asserts economically or  
22 globally on this is really just affecting  
23 his own particular company which again is

1 a company in the position that both  
2 provides product and also does testing.  
3 Certainly we've heard from the  
4 laboratories and any laboratory can meet  
5 these particular requirements by making  
6 the adjustments in their equipment. This  
7 is a combination of both equipment and  
8 software that can provide results in a  
9 consistent range so that now results can  
10 be on a comparable barrier so that when  
11 the criteria are applied they're applied  
12 consistently. I just want to point out  
13 that, again, when I started in NFPA many  
14 years ago, which is now over 30 years ago,  
15 I found that working with both standards  
16 organizations on the test method side  
17 within ASTM as well as NFPA that it's  
18 important to work with them together.  
19 Sometimes I had the case where NFPA had a  
20 method and I brought it back into ASTM and  
21 it was made a better method and then it  
22 came back to NFPA. And it's gone both  
23 ways. So there is an inherent working

1 arrangement between the two organizations,  
 2 where there is an overall improvement.  
 3 This is a case in point because ASTM has  
 4 developed a test method. There has been  
 5 similar related work within ISO and that  
 6 work has contributed to providing a basis  
 7 for providing qualification criteria for  
 8 products. By organizations NFPA sets a  
 9 specification or minimum performance, and  
 10 that minimum performance specification  
 11 dictates minimum levels of reliability for  
 12 test method and criteria. Thank you very  
 13 much for your attention I certainly urge  
 14 you to deny the appeal.

15 CHAIRMAN QUITER: That closes the  
 16 hearing. Thank you all for your  
 17 participation in this process, very  
 18 important NFPA process. Council will now  
 19 be deliberating and making final  
 20 decisions. It will be closed session  
 21 later in this meeting. Decision will be  
 22 issued in writing from the secretary of  
 23 the Standards Council during the coming

1 weeks. No staff or Council member is  
 2 authorized to share the decision in any  
 3 way. At this point we are going to stay  
 4 on the record, and I am going to turn the  
 5 chair back to Mr. Bell.

6 CHAIRMAN BELL: Moving in to the  
 7 next hearing which is related to agenda  
 8 Item 17-8-44-b-1 related to **NFPA 1994**.  
 9 And before we start the hearing I just  
 10 want to ask if there is anyone else who  
 11 has entered the room that we need to get  
 12 on the record, if you haven't introduced  
 13 yourself in the last introduction I ask  
 14 you to do so at this point by stating your  
 15 name and affiliation.

16 MS. MAYNARD: Mary Maynard, NFPA  
 17 staff.

18 CHAIRMAN BELL: Is there any  
 19 statements from the Council? Do you have  
 20 any statements from the Council on this  
 21 item? All right. We're going to follow  
 22 the same process and procedure as we had  
 23 with the other hearing, and I think you're

1 familiar with that, Mr. Stull; is that  
 2 correct?

3 MR. STULL: Jeffrey Stull,  
 4 International Personnel Protection. Yes.

5 CHAIRMAN BELL: I understand that  
 6 you're speaking in support of your appeal  
 7 not to issue TIA 1292 for the 2018 edition  
 8 of 1994; is that right?

9 MR. STULL: Jeffrey Stull  
 10 International Personnel Protection.  
 11 That's correct.

12 CHAIRMAN BELL: Did you have a  
 13 comment?

14 MS. GLEASON: I'm just getting all  
 15 my papers back on the table. For the  
 16 record, Patricia Gleason, member of the  
 17 Council. For the record I'm recusing  
 18 myself on this agenda item and not  
 19 participating as a member of the Standards  
 20 Council in this hearing, deliberating, or  
 21 voting on this matter. Thank you. And my  
 22 apologies.

23 CHAIRMAN BELL: You're familiar

1 with the procedure, and you'll make your  
 2 opening remarks.

3 MR. STULL: Jeffrey Stull,  
 4 International Personnel Protection, and I  
 5 will keep this short, which I'm sure the  
 6 Council will be appreciative of. I was  
 7 actually the individual that submitted  
 8 this proposed tentative amendment, and it  
 9 came into light because I discovered that  
 10 at least one of the laboratories that was  
 11 conducting a test claimed to not be able  
 12 to run the test according to the  
 13 procedures that were now being proposed as  
 14 part of NFPA 1994. This happens to be a  
 15 standard that addresses CBRN chemical  
 16 biological radiological nuclear protection  
 17 for first responders. And it went through  
 18 a rather extensive metamorphosis. There  
 19 was extensive modifications in terms of  
 20 both test methods and criteria. Much of  
 21 what was been done was debated at length  
 22 but the committee went through a process  
 23 of making multiple changes not always

1 recognizing how one change might affect  
2 another part of the standard. So there  
3 was a number of amendments that you've  
4 probably seen. In fact staff asked me to  
5 summarize all those and I'm certainly not  
6 going through all those, but there were a  
7 number of standards from things that were  
8 missed.

9 In this particular one area there  
10 was some debate as to whether this change  
11 should go forward in that again a test had  
12 been proposed that a laboratory had  
13 indicated was not possible. Since that  
14 time there has been other laboratories who  
15 now claim the test can be run. So my  
16 original intent of putting in the  
17 amendment was to basically make a  
18 correction on the basis of the  
19 understanding limited to one laboratory  
20 that they weren't able to do this test.  
21 And those that opposed this amendment  
22 indicated that, which was simply to remove  
23 the test, was that we needed the test and

1 that therefore if this test was removed  
2 then we would be giving it out for an  
3 important area of permanence.

4 Well, I guess the reason I'm  
5 coming before you have, I pretty much take  
6 it that given the technical committee vote  
7 which was against the issuance of this  
8 amendment, that this body would more than  
9 likely side with the technical committee.  
10 The correlating committee obviously did  
11 not vote on technical merit, but did find  
12 the amendment to be of an emergency  
13 nature.

14 The reason I wanted to bring this  
15 before the Council is for the fact that it  
16 points to the fact that there are  
17 different, there can be for a given test  
18 method different interpretations. The  
19 committee actually intends to go back and  
20 try to correct this problem to make it  
21 more elaborate by providing parameters for  
22 how that test is better defined. So that  
23 the concern of the one laboratory that

1 claims that they can't run the test can  
2 now be taking resolve so that it's  
3 universally applied.

4 Interestingly enough one issue  
5 that has arisen is that since the standard  
6 is one now issuing this month, one  
7 organization has said that because the  
8 test cannot be conducted correctly that  
9 they may refuse to certify against that  
10 whereas another organization is taking a  
11 contrary position. So obviously by  
12 keeping the requirement in satisfies one  
13 group and taking it out satisfies another  
14 group. I just think that the proper  
15 positions to keep the current requirement  
16 in place until the committee itself can  
17 derive a set of procedures and test  
18 parameters that better define this method  
19 so that all parties are satisfied. I'm  
20 certainly open for any questions and thank  
21 you for your indulgence for going past  
22 lunchtime today.

23 CHAIRMAN BELL: Thank you,

1 Mr. Stull. I didn't ask the question but  
2 I want to make sure is there anybody who  
3 wants to speak in opposition of this  
4 appeal? Seeing none. Any question from  
5 Council?

6 I have one question for Mr. Stull.  
7 I think in your appeal you indicated that  
8 perhaps maybe another TIA generated  
9 related to this issue, I just want to  
10 understand that regardless of whether this  
11 occurs or not, passes or not, you support  
12 not issuing the TIA; is that correct?

13 MR. STULL: Jeffrey Stull  
14 International Personnel Protection.  
15 That's correct.

16 CHAIRMAN BELL: Any other  
17 questions from Council at this point? If  
18 not, I'll allow to make your closing  
19 remarks.

20 MR. STULL: Jeffrey Stull  
21 International Personnel Protection. Again  
22 I just want to thank the Council. As you  
23 probably heard in the last appeal,

1 although completely unrelated, committees,  
 2 technical committees on product standards  
 3 struggle to come up with exacting  
 4 methodologies and criteria on the basis of  
 5 qualifying or disqualifying product that  
 6 is acceptable for protecting first  
 7 responders. And this is why I know that  
 8 the Council often sees a large number of  
 9 amendments, proposed amendments from the  
 10 project that I happen to work in. We are  
 11 trying our best. There are resources that  
 12 are put forth by a variety of individual  
 13 companies as well as the federal  
 14 government to the end of trying to come up  
 15 with these ideal criteria by which we can  
 16 assure some level of minimum protection.  
 17 So it is critically important that when we  
 18 do put methods in that we establish those  
 19 criteria on the basis of reliable methods  
 20 that can be performed by all the  
 21 laboratories. And while we may not have a  
 22 solution here, right now, I do believe  
 23 that this is the correct approach for

1 C E R T I F I C A T E  
 2  
 3  
 4  
 5  
 6 I hereby certify that the  
 7 foregoing 198 pages contain a full, true and  
 8 correct transcription of all my stenographic  
 9 notes to the best of my ability taken in the  
 10 above-captioned matter at said time and place.  
 11  
 12  
 13  
 14

15 \_\_\_\_\_  
 16 Carol DiFazio  
 17 Registered Professional Reporter  
 18  
 19  
 20  
 21  
 22  
 23

1 denying the issuance of this amendment.  
 2 Thank you.  
 3 CHAIRMAN BELL: Thank you. Thank  
 4 you, Mr. Stull for coming here and sharing  
 5 this valuable information and we  
 6 appreciate your participation in the NFPA  
 7 standards process. And I do want to  
 8 remind everybody that the official  
 9 decision of the Standards Council will be  
 10 issued in writing by the Council secretary  
 11 Dawn Michele Bellis. And no staff or  
 12 Council member is permitted to convey any  
 13 information regarding the decision. With  
 14 that we're going to close this hearing and  
 15 go off the record.  
 16 (Off the record  
 17 discussion.)  
 18 (The proceedings adjourned  
 19 at 12:33 p.m.)  
 20  
 21  
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		<b>17-8-13-a</b> [2] - 2:9, 128:20	<b>2000</b> [5] - 9:10, 141:7, 141:17, 141:21, 164:15	12:3, 12:10, 14:20, 23:18, 24:19, 25:6, 31:8, 35:5	<b>52</b> [3] - 41:6, 155:3, 183:10
<b>'90s</b> [1] - 26:3		<b>17-8-14-a-2</b> [1] - 2:8	<b>2001</b> [1] - 164:15	<b>29</b> [1] - 137:9	<b>53</b> [1] - 41:6
<b>0</b>		<b>17-8-2-a</b> [1] - 37:13	<b>2002</b> [2] - 141:7, 141:21		<b>54</b> [1] - 41:6
<b>0</b> [1] - 23:3		<b>17-8-44-b-1</b> [2] - 2:10, 190:8	<b>2004</b> [1] - 133:18	<b>3</b>	<b>55</b> [2] - 41:6, 43:14
<b>02169</b> [1] - 1:15		<b>17-8-7-a-1</b> [2] - 2:5, 70:4	<b>2010</b> [1] - 39:21	<b>3</b> [12] - 42:18, 80:19, 84:17, 125:16, 137:3, 137:4, 140:15, 140:23, 158:8, 163:2, 163:5, 170:13	<b>57</b> [1] - 41:6
<b>1</b>		<b>17-8-7-c-1</b> [1] - 2:6	<b>2011</b> [3] - 39:21, 170:18, 172:12		<b>6</b>
<b>1</b> [12] - 1:14, 28:1, 42:4, 42:5, 42:8, 46:7, 89:17, 124:14, 131:12, 132:23, 141:7		<b>17-8-7-d-1</b> [1] - 2:7	<b>2012</b> [6] - 24:6, 24:12, 39:21, 41:16, 82:9, 154:6	<b>3</b> [12] - 42:18, 80:19, 84:17, 125:16, 137:3, 137:4, 140:15, 140:23, 158:8, 163:2, 163:5, 170:13	<b>6</b> [3] - 28:10, 42:6, 126:15
<b>1.17.1</b> [1] - 86:16		<b>17-8-8-a</b> [2] - 2:3, 7:6	<b>2015</b> [4] - 24:7, 141:11, 141:12, 141:23		<b>6/7th</b> [1] - 63:17
<b>1.8</b> [2] - 173:21, 173:22		<b>17.1</b> [1] - 99:7	<b>2017</b> [2] - 1:17, 21:5	<b>3.4g</b> [1] - 46:23	<b>60s</b> [2] - 79:21, 101:10
<b>10</b> [15] - 8:17, 40:9, 67:22, 71:5, 119:18, 129:15, 129:17, 129:20, 135:20, 135:22, 171:17, 172:10, 172:12, 172:14, 181:23		<b>177</b> [1] - 137:9	<b>2018</b> [4] - 24:5, 24:21, 79:19, 191:7	<b>3/4</b> [2] - 21:8, 126:14	<b>65</b> [1] - 41:6
<b>100</b> [1] - 15:21		<b>18</b> [3] - 9:15, 126:16, 126:19	<b>202</b> [2] - 39:20, 41:15	<b>3/8</b> [1] - 22:2	<b>67</b> [2] - 41:7, 123:14
<b>101</b> [11] - 24:11, 25:7, 70:6, 79:2, 79:5, 79:7, 79:9, 79:20, 85:13, 99:15, 111:2		<b>180</b> [3] - 78:1, 78:5, 93:9	<b>2020</b> [1] - 23:18	<b>3/8th</b> [1] - 21:8	<b>7</b>
<b>101's</b> [1] - 80:4		<b>19</b> [4] - 137:3, 140:15, 170:13	<b>2021</b> [1] - 24:21	<b>30</b> [17] - 37:13, 41:7, 48:18, 49:5, 49:7, 53:10, 66:2, 66:12, 67:7, 67:11, 67:21, 75:18, 84:13, 88:3, 102:4, 170:1, 188:14	<b>7</b> [17] - 2:3, 79:5, 95:11, 97:12, 97:17, 97:18, 97:21, 97:23, 155:7, 163:10, 163:18, 167:17, 180:14, 180:18, 182:13, 182:19, 184:10
<b>101-3</b> [2] - 76:14, 77:22		<b>190</b> [1] - 2:10	<b>203</b> [2] - 39:20, 41:15	<b>34</b> [1] - 87:6	<b>7.2.1.5.10.3</b> [1] - 82:5
<b>114</b> [1] - 2:8		<b>1930</b> [27] - 131:15, 138:12, 140:8, 141:5, 141:9, 142:17, 149:7, 150:18, 153:21, 153:22, 154:6, 154:9, 158:13, 159:21, 160:18, 161:10, 161:13, 165:17, 165:19, 167:2, 170:9, 174:15, 176:4, 177:4, 181:21, 183:23, 184:3	<b>204</b> [2] - 39:20, 41:15	<b>35</b> [2] - 149:8, 181:7	<b>7.2.1.5.10.4</b> [1] - 82:6
<b>117</b> [1] - 112:16		<b>1950s</b> [1] - 79:21	<b>206</b> [3] - 39:21, 41:15, 42:8	<b>36</b> [2] - 173:15, 173:20	<b>7.2.1.5.10.6</b> [1] - 82:9
<b>12</b> [3] - 24:19, 28:10, 137:4		<b>1956</b> [1] - 100:10	<b>210</b> [5] - 43:15, 43:19, 46:6, 46:16, 60:11	<b>37</b> [2] - 2:4, 181:7	<b>70</b> [1] - 2:5
<b>128</b> [1] - 2:9		<b>198</b> [1] - 199:7	<b>211</b> [2] - 41:15, 42:7	<b>38</b> [2] - 97:1, 97:7	<b>700</b> [1] - 16:23
<b>1292</b> [1] - 191:7		<b>1984</b> [1] - 133:17	<b>2112</b> [33] - 128:20, 130:17, 131:7, 131:15, 131:23, 135:4, 136:14, 136:15, 136:17, 137:1, 139:19, 140:14, 141:19, 143:1, 144:17, 153:1, 153:12, 153:20, 153:22, 154:3, 154:9, 154:10, 161:12, 166:3, 166:12, 169:17, 173:5, 176:4, 176:7, 176:22, 177:10, 177:23, 183:8	<b>39</b> [2] - 97:1, 97:10	<b>75</b> [2] - 123:12, 125:17
<b>12:33</b> [1] - 198:19		<b>1990s</b> [1] - 79:22	<b>213</b> [1] - 177:20	<b>4</b>	<b>76</b> [2] - 155:4, 183:10
<b>13</b> [6] - 41:12, 46:17, 123:20, 124:5, 124:19, 125:10		<b>1992</b> [2] - 13:4, 33:19	<b>212</b> [1] - 42:8	<b>4</b> [11] - 29:23, 45:2, 124:12, 125:8, 140:23, 172:21, 180:15, 180:16, 180:22, 182:4, 184:19	<b>77</b> [4] - 63:11, 73:20, 74:15, 80:14
<b>13506</b> [1] - 164:19		<b>1994</b> [3] - 190:8, 191:8, 192:14	<b>212</b> [1] - 42:8	<b>4.4.4.2</b> [1] - 156:22	<b>8</b>
<b>14</b> [4] - 46:17, 96:21, 97:7, 171:14		<b>1999</b> [1] - 9:8	<b>22</b> [1] - 42:6	<b>40</b> [6] - 76:7, 171:15, 172:6, 172:12, 173:18, 174:1	<b>8</b> [5] - 88:23, 125:8, 155:8, 172:10, 184:10
<b>15</b> [13] - 1:17, 9:15, 40:23, 76:8, 83:2, 95:13, 96:22, 97:9, 97:16, 101:23, 171:14, 171:17, 173:14		<b>2</b> [7] - 13:3, 42:20, 80:15, 126:20, 131:12, 133:9, 140:23	<b>22</b> [1] - 42:6	<b>44</b> [2] - 172:13, 174:1	<b>80</b> [2] - 21:10, 22:4
<b>150</b> [1] - 185:14		<b>2,000</b> [2] - 35:23, 36:11	<b>25</b> [6] - 46:7, 158:14, 159:10, 159:17, 179:23, 180:1	<b>4th</b> [2] - 125:10, 135:1	<b>9</b>
<b>16</b> [2] - 96:23, 97:7		<b>2.6</b> [1] - 163:4	<b>250</b> [1] - 185:12	<b>5</b>	<b>9</b> [1] - 125:16
<b>17</b> [4] - 24:19, 86:15, 96:23, 97:9		<b>2/3</b> [2] - 126:15, 126:17	<b>252</b> [2] - 21:6, 22:4	<b>5</b> [2] - 9:6, 163:1	<b>90</b> [4] - 25:14, 26:2, 34:12, 35:21
<b>17-6-2-a</b> [1] - 2:4		<b>20</b> [4] - 89:17, 173:15, 173:22, 182:3	<b>26</b> [6] - 41:20, 41:21, 41:22, 41:23	<b>5,000</b> [3] - 24:10, 25:7, 120:15	<b>90s</b> [1] - 79:21
		<b>200</b> [1] - 185:13	<b>27</b> [4] - 42:4, 42:8	<b>5,002</b> [1] - 120:17	<b>9:00</b> [1] - 1:18
			<b>28</b> [1] - 42:7	<b>50</b> [3] - 36:10, 177:13, 178:8	<b>A</b>
			<b>285</b> [14] - 7:7, 8:8, 9:7, 9:11, 10:1, 11:17,	<b>5000</b> [1] - 120:20	<b>a.m</b> [1] - 1:18
				<b>5001</b> [4] - 120:20, 121:5, 122:8, 123:2	<b>ao</b> [1] - 10:11
				<b>5002</b> [1] - 122:9	
				<b>50s</b> [1] - 101:10	

<p><b>A1.17.1</b> [1] - 86:15  <b>A117</b> [1] - 75:13  <b>abdicated</b> [1] - 37:10  <b>abilities</b> [1] - 41:3  <b>ability</b> [2] - 184:23, 199:9  <b>able</b> [9] - 12:9, 12:21, 15:23, 28:22, 32:3, 165:6, 183:17, 192:11, 193:20  <b>ABLOY</b> [4] - 38:12, 72:15, 91:8, 103:18  <b>abnormal</b> [1] - 171:23  <b>above-captioned</b> [1] - 199:10  <b>absolutely</b> [5] - 24:22, 28:5, 28:6, 104:15, 146:13  <b>abstained</b> [1] - 20:17  <b>abundance</b> [1] - 123:10  <b>academia</b> [1] - 142:12  <b>accept</b> [2] - 25:4, 84:4  <b>acceptable</b> [8] - 84:14, 108:14, 142:9, 168:13, 177:1, 177:11, 178:19, 197:6  <b>acceptance</b> [1] - 144:5  <b>accepted</b> [3] - 21:12, 22:18, 168:17  <b>access</b> [1] - 149:18  <b>accessibility</b> [5] - 75:10, 76:2, 86:21, 86:23, 107:18  <b>Accessibility</b> [2] - 75:11, 75:13  <b>Accessible</b> [1] - 75:14  <b>accessible</b> [3] - 75:17, 76:1, 107:17  <b>accommodate</b> [1] - 158:12  <b>accomplished</b> [3] - 49:3, 68:8, 125:14  <b>accordance</b> [3] - 42:18, 152:7, 158:7  <b>according</b> [4] - 135:7, 138:12, 149:7, 192:12  <b>account</b> [1] - 145:10  <b>accounting</b> [1] - 167:18  <b>accumulate</b> [1] - 15:18  <b>accurate</b> [7] - 137:20, 151:23, 168:14, 179:3, 180:10, 184:16, 184:17  <b>achieve</b> [3] - 123:12, 126:14, 126:15</p>	<p><b>achieves</b> [2] - 68:12, 125:17  <b>acknowledge</b> [1] - 94:22  <b>acknowledging</b> [1] - 22:5  <b>ACM</b> [1] - 34:1  <b>acquisition</b> [3] - 175:19, 175:22, 181:20  <b>act</b> [1] - 45:8  <b>Act</b> [9] - 75:6, 75:13, 90:1, 93:21, 113:1, 132:23, 133:9, 133:17, 133:18  <b>acted</b> [2] - 44:16, 62:6  <b>acting</b> [1] - 45:9  <b>action</b> [16] - 21:5, 22:18, 46:10, 72:2, 77:13, 78:10, 95:1, 96:18, 101:2, 106:19, 106:22, 108:1, 133:8, 134:19, 157:3, 162:2  <b>actions</b> [8] - 9:5, 62:3, 68:5, 68:9, 112:13, 133:4, 145:19, 148:8  <b>active</b> [2] - 98:20, 144:19  <b>actively</b> [1] - 112:17  <b>activities</b> [7] - 42:20, 43:6, 66:17, 66:22, 73:10, 74:8, 112:18  <b>activity</b> [7] - 65:11, 144:23, 145:15, 158:4, 160:19, 161:5, 183:22  <b>actual</b> [10] - 23:20, 27:8, 33:15, 34:16, 62:13, 98:7, 99:22, 154:5, 154:8, 154:10  <b>acutely</b> [1] - 51:6  <b>ADA</b> [4] - 76:1, 90:14, 107:18, 112:17  <b>add</b> [13] - 31:5, 59:20, 60:14, 80:17, 86:13, 104:16, 123:8, 136:23, 140:23, 157:11, 162:17, 162:19, 164:1  <b>added</b> [11] - 81:23, 82:9, 136:17, 141:1, 141:12, 154:16, 154:23, 155:2, 155:4, 165:23, 181:19  <b>adding</b> [4] - 81:20, 93:6, 105:4, 155:21  <b>addition</b> [2] - 107:23, 158:13</p>	<p><b>additional</b> [1] - 159:20  <b>address</b> [21] - 48:19, 48:21, 75:15, 82:21, 86:23, 95:3, 98:5, 98:6, 98:8, 98:17, 98:22, 109:4, 131:8, 134:9, 139:18, 146:5, 160:3, 173:3, 173:4, 182:23, 185:19  <b>addressed</b> [4] - 94:9, 112:21, 113:2, 114:1  <b>addresses</b> [3] - 77:22, 127:15, 192:15  <b>addressing</b> [1] - 113:22  <b>adequacy</b> [1] - 50:2  <b>adequate</b> [1] - 51:9  <b>adequately</b> [2] - 48:21, 51:8  <b>ad hoc</b> [1] - 121:23  <b>adjectives</b> [1] - 173:9  <b>adjourned</b> [1] - 198:18  <b>adjudicated</b> [1] - 149:15  <b>adjudicates</b> [1] - 124:4  <b>adjust</b> [1] - 174:19  <b>adjustments</b> [2] - 131:7, 188:6  <b>admin</b> [1] - 24:17  <b>adolphe</b> [1] - 171:2  <b>adopt</b> [1] - 109:19  <b>adoptable</b> [1] - 58:13  <b>adopted</b> [3] - 13:8, 24:4, 174:15  <b>adoption</b> [2] - 24:14, 132:4  <b>Advancement</b> [1] - 133:18  <b>adverse</b> [1] - 179:1  <b>advise</b> [1] - 165:7  <b>advisory</b> [1] - 45:5  <b>advocate</b> [4] - 41:3, 60:3, 89:13, 89:20  <b>advocates</b> [1] - 62:15  <b>advocating</b> [1] - 90:23  <b>affect</b> [3] - 53:10, 110:4, 193:1  <b>affected</b> [5] - 20:20, 61:17, 76:9, 78:15, 80:11  <b>affecting</b> [1] - 187:22  <b>affects</b> [2] - 22:9, 88:18  <b>affiliation</b> [14] - 3:7, 3:14, 3:18, 37:19, 40:15, 70:11, 72:9, 73:4, 114:20, 115:3, 115:8, 120:11,</p>	<p>130:2, 190:15  <b>affirmed</b> [1] - 48:4  <b>afforded</b> [1] - 144:4  <b>agenda</b> [17] - 7:6, 7:19, 8:3, 37:12, 39:3, 39:11, 57:16, 70:3, 70:21, 95:17, 95:19, 115:22, 117:2, 128:19, 129:7, 190:7, 191:18  <b>ago</b> [10] - 76:3, 80:16, 81:11, 101:9, 169:13, 169:19, 176:11, 185:16, 188:14  <b>agree</b> [12] - 14:2, 32:20, 52:20, 53:9, 54:23, 60:12, 60:19, 89:10, 89:21, 104:14, 126:6, 126:20  <b>agreement</b> [3] - 102:9, 149:18, 149:20  <b>ahead</b> [12] - 39:16, 40:7, 71:21, 73:2, 74:1, 120:9, 122:11, 122:22, 127:20, 136:10, 152:17, 159:15  <b>AHJ</b> [2] - 89:1, 104:14  <b>AHJs</b> [8] - 77:5, 77:7, 84:1, 84:13, 107:22, 108:17, 108:20, 108:22  <b>AHJs'</b> [2] - 84:4, 84:7  <b>AIA</b> [1] - 72:13  <b>alarms</b> [1] - 83:8  <b>Alberta</b> [6] - 118:9, 140:5, 153:6, 161:9, 170:17, 173:13  <b>algorithm</b> [1] - 174:18  <b>allow</b> [14] - 49:20, 50:16, 50:17, 58:4, 71:5, 99:4, 103:11, 108:19, 119:18, 119:21, 127:20, 136:5, 151:5, 196:18  <b>allowed</b> [15] - 16:10, 22:12, 43:16, 51:13, 56:11, 57:4, 60:2, 83:2, 120:2, 139:7, 163:2, 163:3, 163:5, 163:7, 164:3  <b>allowing</b> [2] - 71:9, 84:12  <b>allows</b> [2] - 15:21, 82:10  <b>almost</b> [2] - 10:12, 122:2  <b>alone</b> [1] - 63:14</p>	<p><b>alterations</b> [1] - 87:11  <b>altered</b> [1] - 145:9  <b>alternate</b> [1] - 91:11  <b>ambiguity</b> [1] - 17:14  <b>ambiguous</b> [1] - 102:10  <b>amending</b> [4] - 120:17, 120:20, 123:2, 124:22  <b>amendment</b> [7] - 124:11, 192:8, 193:17, 193:21, 194:8, 194:12, 198:1  <b>amendments</b> [5] - 83:20, 103:5, 193:3, 197:9  <b>America</b> [1] - 152:20  <b>American</b> [9] - 37:22, 70:13, 86:9, 90:1, 93:20, 112:7, 116:22, 119:13, 120:14  <b>Americans</b> [3] - 75:5, 75:12, 113:1  <b>amount</b> [4] - 167:16, 170:23, 171:7, 171:9  <b>analysis</b> [4] - 162:21, 163:15, 182:14  <b>analyze</b> [1] - 138:4  <b>anecdotal</b> [1] - 99:23  <b>angle</b> [1] - 25:23  <b>Ann</b> [2] - 5:23, 117:16  <b>annex</b> [2] - 49:17, 49:20  <b>announcement</b> [1] - 186:6  <b>annual</b> [5] - 29:4, 31:19, 32:10, 137:4, 137:10  <b>answer</b> [7] - 27:17, 52:17, 53:19, 54:22, 63:10, 63:23, 176:21  <b>answering</b> [1] - 23:16  <b>anti</b> [1] - 130:11  <b>anticipates</b> [1] - 159:18  <b>antitrust</b> [7] - 131:21, 134:5, 135:11, 146:5, 156:9, 162:1, 185:22  <b>apologies</b> [1] - 191:22  <b>apologize</b> [1] - 179:10  <b>apparatus</b> [1] - 181:19  <b>Apparel</b> [1] - 137:16  <b>apparent</b> [1] - 82:17  <b>appeal</b> [52] - 8:8, 19:9, 20:8, 22:17, 23:1, 23:11, 24:20, 25:1, 25:5, 39:18, 40:2, 40:6, 72:1, 72:6,</p>
--	---	---	--	---

<p>72:8, 73:16, 74:13, 82:15, 85:5, 85:9, 85:21, 85:22, 103:15, 120:4, 120:8, 121:5, 123:16, 127:1, 130:8, 130:15, 132:11, 137:7, 140:7, 140:18, 141:5, 142:14, 147:10, 148:7, 150:8, 154:15, 155:9, 162:2, 162:14, 162:15, 172:20, 184:14, 185:5, 189:14, 191:6, 196:4, 196:7, 196:23</p> <p><b>appeals</b> [2] - 85:10, 85:12</p> <p><b>appearance</b> [3] - 62:13, 62:18, 107:5</p> <p><b>appeared</b> [1] - 80:6</p> <p><b>appellant</b> [3] - 8:15, 129:14, 129:23</p> <p><b>appellant's</b> [1] - 140:22</p> <p><b>appellants</b> [1] - 143:21</p> <p><b>apples</b> [2] - 166:9, 167:21</p> <p><b>applicable</b> [4] - 134:1, 150:17, 151:10, 167:23</p> <p><b>application</b> [2] - 103:11, 176:16</p> <p><b>applications</b> [2] - 82:8, 83:23</p> <p><b>applied</b> [5] - 14:4, 133:21, 188:11, 195:3</p> <p><b>apply</b> [1] - 15:12</p> <p><b>applying</b> [1] - 181:16</p> <p><b>appreciate</b> [7] - 9:3, 30:6, 37:8, 69:17, 139:5, 139:12, 198:6</p> <p><b>appreciation</b> [2] - 114:4, 128:8</p> <p><b>appreciative</b> [1] - 192:6</p> <p><b>approach</b> [1] - 197:23</p> <p><b>appropriate</b> [10] - 15:9, 60:1, 134:15, 157:5, 172:21, 176:22, 177:22, 179:22, 184:19, 184:20</p> <p><b>appropriately</b> [1] - 165:10</p> <p><b>approval</b> [3] - 89:2,</p>	<p>108:21, 108:23</p> <p><b>approve</b> [5] - 48:3, 77:6, 77:7, 108:23, 109:2</p> <p><b>approved</b> [6] - 77:2, 82:16, 92:18, 102:15, 107:22, 123:13</p> <p><b>approving</b> [2] - 84:5, 84:8</p> <p><b>architect</b> [1] - 12:1</p> <p><b>Architects</b> [4] - 37:23, 86:10, 112:8, 119:14</p> <p><b>architects</b> [2] - 11:20, 35:9</p> <p><b>area</b> [8] - 82:12, 146:17, 171:18, 173:17, 173:19, 173:20, 193:9, 194:3</p> <p><b>areas</b> [1] - 144:22</p> <p><b>argue</b> [1] - 25:1</p> <p><b>arguing</b> [1] - 123:18</p> <p><b>argument</b> [8] - 83:9, 91:13, 97:11, 102:20, 103:10, 170:13, 185:23, 186:20</p> <p><b>arguments</b> [1] - 31:18</p> <p><b>arisen</b> [1] - 195:5</p> <p><b>arrangement</b> [3] - 77:6, 77:8, 189:1</p> <p><b>arrangements</b> [1] - 80:12</p> <p><b>articulated</b> [1] - 145:17</p> <p><b>Aslanis</b> [4] - 119:1, 167:14, 168:20, 175:11</p> <p><b>ASLANIS</b> [3] - 167:13, 175:10, 175:15</p> <p><b>aspect</b> [1] - 162:1</p> <p><b>aspects</b> [1] - 161:14</p> <p><b>ASSA</b> [4] - 38:12, 72:15, 91:8, 103:17</p> <p><b>assemblies</b> [1] - 21:17</p> <p><b>Assembly</b> [1] - 105:1</p> <p><b>assembly</b> [3] - 26:11, 33:9, 33:10</p> <p><b>assert</b> [1] - 47:5</p> <p><b>asserting</b> [1] - 47:3</p> <p><b>asserts</b> [1] - 187:21</p> <p><b>assessment</b> [2] - 165:7, 187:15</p> <p><b>assigned</b> [2] - 42:19, 184:19</p> <p><b>associated</b> [1] - 87:11</p> <p><b>Associates</b> [6] - 5:4, 6:19, 17:12, 20:5, 35:14, 94:6</p> <p><b>association</b> [5] -</p>	<p>20:11, 61:2, 85:1, 96:19, 123:1</p> <p><b>Association</b> [8] - 1:13, 6:17, 14:17, 19:16, 19:22, 38:10, 84:23, 85:9</p> <p><b>association's</b> [1] - 72:2</p> <p><b>assure</b> [1] - 197:16</p> <p><b>ASTM</b> [31] - 130:21, 131:4, 131:14, 131:16, 138:12, 140:8, 144:18, 145:13, 149:7, 150:18, 153:21, 154:6, 154:9, 154:10, 158:13, 159:21, 160:17, 161:16, 164:20, 165:17, 165:19, 165:21, 173:4, 174:15, 176:11, 176:12, 177:4, 177:16, 188:17, 188:20, 189:3</p> <p><b>Atext</b> [1] - 183:7</p> <p><b>attachments</b> [1] - 57:16</p> <p><b>attacks</b> [1] - 9:17</p> <p><b>attainable</b> [1] - 180:18</p> <p><b>attempted</b> [2] - 98:21, 130:20</p> <p><b>attempting</b> [1] - 131:18</p> <p><b>attempts</b> [1] - 133:10</p> <p><b>attendance</b> [1] - 30:15</p> <p><b>attended</b> [1] - 43:16</p> <p><b>attention</b> [7] - 21:2, 42:6, 83:8, 91:1, 98:10, 123:20, 189:13</p> <p><b>attest</b> [1] - 106:10</p> <p><b>audience</b> [3] - 8:12, 8:20, 19:13</p> <p><b>August</b> [1] - 1:17</p> <p><b>authority</b> [2] - 114:12, 136:8</p> <p><b>authorized</b> [2] - 37:1, 190:2</p> <p><b>Automatic</b> [4] - 6:15, 40:20, 52:19, 59:22</p> <p><b>available</b> [3] - 21:20, 22:8, 100:16</p> <p><b>avenues</b> [1] - 145:20</p> <p><b>average</b> [1] - 78:1</p> <p><b>avoid</b> [4] - 86:20, 90:5, 95:3, 132:12</p> <p><b>aware</b> [7] - 51:6, 76:5, 111:11, 133:19, 138:8, 160:16,</p>	<p>160:18</p> <p><b>Ax</b> [1] - 85:3</p> <p><b>Axias</b> [1] - 85:3</p> <p><b>aye</b> [1] - 125:8</p> <p style="text-align: center;"><b>B</b></p> <p><b>back-up</b> [2] - 111:6, 111:10</p> <p><b>background</b> [3] - 130:14, 131:19, 151:2</p> <p><b>balance</b> [4] - 68:19, 88:14, 109:6, 162:14</p> <p><b>balanced</b> [2] - 88:9, 88:10</p> <p><b>ballot</b> [32] - 20:18, 39:19, 41:20, 42:2, 43:3, 45:15, 45:16, 46:6, 47:16, 50:4, 50:23, 51:2, 52:5, 55:6, 60:8, 60:15, 63:15, 66:2, 66:4, 69:2, 76:10, 78:16, 91:23, 96:17, 97:2, 98:3, 98:4, 123:11, 125:12, 126:18, 127:10, 127:16</p> <p><b>balloted</b> [1] - 41:19</p> <p><b>balloters</b> [1] - 124:17</p> <p><b>balloting</b> [3] - 29:23, 59:5, 59:6</p> <p><b>ballots</b> [9] - 30:1, 30:3, 30:16, 30:17, 32:5, 91:12, 96:16, 123:17, 126:16</p> <p><b>BARKER</b> [3] - 119:6, 142:4, 153:13</p> <p><b>Barker</b> [4] - 119:6, 142:4, 152:23, 153:13</p> <p><b>barricade</b> [1] - 109:23</p> <p><b>barricades</b> [1] - 103:12</p> <p><b>barrier</b> [1] - 188:10</p> <p><b>barriers</b> [1] - 18:2</p> <p><b>based</b> [13] - 24:20, 31:1, 36:4, 36:6, 41:16, 52:21, 74:18, 74:22, 85:10, 127:13, 143:15, 154:19, 183:15</p> <p><b>basis</b> [8] - 28:3, 105:23, 178:19, 185:22, 189:6, 193:18, 197:4, 197:19</p> <p><b>Batterymarch</b> [1] - 1:14</p>	<p><b>battle</b> [1] - 93:3</p> <p><b>bear</b> [2] - 79:11, 136:6</p> <p><b>became</b> [2] - 120:16, 122:6</p> <p><b>become</b> [2] - 41:4, 120:20</p> <p><b>becomes</b> [1] - 145:11</p> <p><b>beebe</b> [1] - 154:12</p> <p><b>BEEBE</b> [5] - 5:15, 56:21, 117:8, 154:13, 155:14</p> <p><b>Beebe</b> [5] - 5:15, 56:20, 56:21, 117:8, 154:13</p> <p><b>beebe's</b> [1] - 156:13</p> <p><b>began</b> [1] - 49:7</p> <p><b>begin</b> [1] - 152:21</p> <p><b>beginning</b> [1] - 58:6</p> <p><b>begins</b> [1] - 171:12</p> <p><b>behalf</b> [9] - 45:9, 71:17, 74:19, 85:8, 85:11, 86:9, 93:19, 93:21, 112:7</p> <p><b>behavior</b> [2] - 65:12, 169:4</p> <p><b>behind</b> [2] - 121:8, 150:4</p> <p><b>beings</b> [1] - 163:12</p> <p><b>Beitel</b> [6] - 5:5, 8:15, 14:19, 29:16, 32:17, 32:18</p> <p><b>BEITEL</b> [10] - 23:11, 23:17, 24:6, 24:9, 25:13, 26:16, 27:18, 29:16, 32:18, 37:7</p> <p><b>beliefs</b> [1] - 130:21</p> <p><b>believes</b> [1] - 183:16</p> <p><b>Bell</b> [3] - 3:3, 7:15, 114:16</p> <p><b>BELL</b> [70] - 6:4, 7:3, 37:9, 38:13, 39:7, 39:15, 40:1, 40:5, 48:15, 52:7, 53:18, 54:3, 56:20, 57:13, 59:2, 59:18, 61:20, 63:7, 64:12, 64:23, 65:18, 67:13, 69:5, 70:1, 70:16, 71:2, 71:20, 72:5, 72:18, 72:22, 73:17, 73:23, 83:19, 84:19, 86:6, 87:15, 92:13, 94:2, 98:23, 99:13, 99:17, 101:11, 103:16, 104:5, 104:19, 106:14, 107:9, 110:8, 112:3, 114:2, 116:5, 119:15, 120:7, 125:23, 127:2, 127:13,</p>
--	---	--	--	---

<p>127:18, 128:1, 128:5, 160:5, 169:5, 177:9, 190:6, 190:18, 191:5, 191:12, 191:23, 195:23, 196:16, 198:3 <b>bell</b> [2] - 37:6, 190:5 <b>BELLIS</b> [4] - 4:7, 115:15, 176:2, 177:8 <b>Bellis</b> [7] - 4:7, 69:11, 114:11, 115:16, 128:14, 176:2, 198:11 <b>belong</b> [1] - 176:6 <b>bench</b> [1] - 142:22 <b>Benedetti</b> [1] - 61:7 <b>benefit</b> [2] - 51:22, 100:3 <b>best</b> [8] - 64:22, 84:1, 107:19, 109:18, 158:2, 167:2, 197:11, 199:9 <b>better</b> [11] - 13:1, 35:6, 79:3, 82:1, 105:18, 123:22, 147:8, 182:22, 188:21, 194:22, 195:18 <b>between</b> [10] - 22:3, 22:5, 48:9, 96:21, 129:15, 138:18, 140:2, 145:2, 153:22, 189:1 <b>beyond</b> [5] - 61:10, 66:15, 96:8, 103:14, 136:5 <b>BHMA</b> [3] - 72:11, 99:15, 110:10 <b>BIA</b> [1] - 25:21 <b>bid</b> [1] - 181:20 <b>big</b> [2] - 55:10, 85:23 <b>bill</b> [3] - 4:23, 6:18, 20:4 <b>Bill</b> [3] - 71:16, 94:6, 107:1 <b>biological</b> [1] - 192:16 <b>bit</b> [5] - 20:14, 27:13, 30:11, 105:18, 138:20 <b>bite</b> [1] - 178:16 <b>black</b> [1] - 106:2 <b>BLANC</b> [3] - 58:2, 61:5, 61:16 <b>BLC</b> [3] - 121:11, 123:6 <b>blocking</b> [3] - 104:10, 104:17, 112:13 <b>board</b> [1] - 125:4 <b>Bob</b> [1] - 61:7 <b>body</b> [14] - 124:3,</p>	<p>125:20, 137:23, 142:9, 155:23, 158:8, 166:6, 169:12, 171:4, 176:23, 177:2, 177:11, 177:18, 194:8 <b>Bonnie</b> [2] - 24:2, 116:7 <b>bonnie</b> [1] - 4:13 <b>BOONE</b> [1] - 118:1 <b>Boone</b> [1] - 118:1 <b>bottom</b> [2] - 15:14, 33:9 <b>boundaries</b> [1] - 170:7 <b>box</b> [1] - 109:12 <b>Brad</b> [2] - 117:21, 146:3 <b>BRADLEY</b> [3] - 4:21, 101:12, 116:19 <b>Bradley</b> [4] - 4:21, 101:11, 101:14, 116:19 <b>Breitell</b> [1] - 30:20 <b>BREITEL</b> [2] - 9:1, 30:20 <b>brick</b> [5] - 11:3, 25:14, 25:17, 25:18, 32:2 <b>bricks</b> [1] - 31:23 <b>bridge</b> [1] - 145:2 <b>brief</b> [5] - 56:12, 56:15, 65:22, 103:19, 140:21 <b>briefly</b> [2] - 107:15, 146:4 <b>briefs</b> [2] - 141:21, 141:23 <b>bring</b> [5] - 21:1, 31:17, 155:10, 169:16, 194:14 <b>brittony</b> [1] - 119:3 <b>Brittony</b> [1] - 118:10 <b>broad</b> [1] - 14:7 <b>brother</b> [1] - 93:2 <b>brought</b> [10] - 15:8, 50:19, 51:4, 65:7, 132:18, 134:6, 157:3, 185:21, 187:7, 188:20 <b>BTTG</b> [1] - 183:7 <b>bubble</b> [1] - 50:13 <b>build</b> [2] - 10:15, 14:9 <b>builders</b> [2] - 81:22, 87:7 <b>Builders</b> [5] - 38:9, 84:22, 85:8, 87:2, 87:14 <b>Building</b> [1] - 105:2 <b>building</b> [21] - 9:14, 9:22, 14:11, 17:19,</p>	<p>35:10, 58:11, 78:6, 78:8, 78:22, 78:23, 79:2, 80:1, 87:8, 87:10, 93:9, 93:10, 93:23, 94:20, 105:6, 122:13, 124:14 <b>buildings</b> [7] - 87:4, 93:12, 95:2, 98:19, 113:14, 120:19 <b>Buildings</b> [1] - 75:15 <b>builds</b> [2] - 10:3, 10:4 <b>built</b> [7] - 10:22, 11:1, 11:3, 11:4, 36:14, 100:10, 141:16 <b>bull's</b> [1] - 146:17 <b>Bulwark</b> [1] - 137:15 <b>burn</b> [13] - 137:23, 142:9, 142:20, 143:7, 167:20, 170:19, 173:14, 174:15, 175:1, 177:2, 177:11, 177:18, 182:16 <b>burner</b> [2] - 16:1, 16:11 <b>burning</b> [1] - 174:22 <b>burns</b> [1] - 169:12 <b>bush</b> [1] - 70:18 <b>BUSH</b> [7] - 5:17, 29:7, 60:22, 61:13, 61:19, 70:19, 117:10 <b>Bush</b> [4] - 5:17, 60:22, 70:19, 117:10 <b>business</b> [10] - 3:17, 38:16, 95:22, 97:1, 98:16, 105:6, 111:5, 115:6, 149:15, 149:21 <b>businesses</b> [1] - 109:11 <b>busy</b> [1] - 69:15 <b>BUTIN</b> [1] - 6:11 <b>Butin</b> [1] - 6:11 <b>buy</b> [1] - 149:22 <b>buyer</b> [1] - 141:4</p>	<p>161:17 <b>CAM</b> [3] - 76:14, 77:21, 127:8 <b>CAMs</b> [3] - 76:11, 85:10, 85:12 <b>Canada</b> [2] - 118:9, 140:6 <b>cannot</b> [4] - 62:17, 142:22, 143:16, 195:8 <b>capability</b> [1] - 24:22 <b>capable</b> [1] - 113:11 <b>capacity</b> [1] - 140:7 <b>captioned</b> [1] - 199:10 <b>capture</b> [1] - 115:4 <b>card</b> [3] - 3:17, 38:16, 115:6 <b>care</b> [4] - 45:7, 79:18, 125:12, 177:20 <b>career</b> [1] - 87:5 <b>careful</b> [1] - 109:14 <b>carefully</b> [1] - 88:22 <b>Carol</b> [1] - 199:15 <b>Carolina</b> [5] - 119:2, 119:7, 142:5, 153:14, 167:14 <b>Caroline</b> [1] - 175:11 <b>carried</b> [2] - 151:18, 151:20 <b>carries</b> [1] - 182:15 <b>case</b> [22] - 11:14, 12:22, 16:2, 19:2, 19:3, 20:1, 26:23, 32:15, 50:3, 54:19, 60:6, 83:1, 85:7, 126:12, 134:2, 134:7, 157:2, 166:16, 183:18, 188:19, 189:3 <b>cases</b> [3] - 41:17, 133:15, 133:21 <b>catalogs</b> [1] - 81:12 <b>caveats</b> [1] - 149:15 <b>CBRN</b> [1] - 192:15 <b>cementitious</b> [1] - 15:11 <b>center</b> [1] - 33:7 <b>certain</b> [12] - 11:6, 55:17, 103:4, 108:18, 110:16, 124:7, 144:22, 151:21, 166:5, 170:6, 176:18 <b>certainly</b> [10] - 53:9, 68:5, 145:8, 145:19, 145:20, 186:11, 188:3, 189:13, 193:5, 195:20 <b>certainty</b> [1] - 100:14 <b>certification</b> [4] -</p>	<p>143:1, 154:5, 158:21, 187:13 <b>certified</b> [10] - 120:17, 123:1, 130:23, 135:6, 149:11, 150:5, 150:8, 150:13, 183:8, 187:12 <b>certify</b> [3] - 166:2, 195:9, 199:6 <b>cetera</b> [3] - 111:5, 151:1, 155:20 <b>Chad</b> [3] - 56:21, 117:8, 154:13 <b>chad</b> [1] - 5:15 <b>Chair</b> [3] - 3:3, 74:4, 94:5 <b>chair</b> [45] - 7:11, 7:13, 14:18, 34:23, 37:6, 38:2, 41:1, 41:2, 41:5, 46:1, 46:14, 46:22, 47:3, 47:5, 47:7, 47:16, 48:12, 48:18, 51:7, 54:6, 54:15, 55:4, 55:12, 57:17, 66:7, 68:9, 68:10, 68:11, 68:21, 71:15, 73:7, 87:22, 89:12, 90:16, 104:7, 107:1, 112:8, 114:16, 116:3, 120:1, 129:2, 147:15, 154:2, 161:9, 190:5 <b>chair's</b> [7] - 46:9, 46:21, 66:5, 66:11, 67:8, 91:18, 136:4 <b>CHAIRMAN</b> [115] - 3:1, 6:4, 7:3, 7:14, 7:23, 8:7, 14:13, 17:6, 18:10, 18:13, 19:12, 19:18, 23:3, 23:15, 24:1, 27:12, 29:5, 29:13, 29:20, 32:12, 35:11, 36:16, 37:9, 38:13, 39:7, 39:15, 40:1, 40:5, 48:15, 52:7, 53:18, 54:3, 56:20, 57:13, 59:2, 59:18, 61:20, 63:7, 64:12, 64:23, 65:18, 67:13, 69:5, 70:1, 70:16, 71:2, 71:20, 72:5, 72:18, 72:22, 73:17, 73:23, 83:19, 84:19, 86:6, 87:15, 92:13, 94:2, 98:23, 99:13, 99:17, 101:11, 103:16, 104:5, 104:19,</p>
--	--	---	--	---

## C

**c-2** [1] - 70:4  
**calculation** [1] -  
142:20  
**calendar** [1] - 78:1  
**calibrating** [1] -  
138:13  
**calibration** [10] -  
139:22, 150:4,  
153:8, 159:7, 160:2,  
160:20, 160:23,  
161:6, 161:13,

<p>106:14, 107:9, 110:8, 112:3, 114:2, 116:5, 119:15, 120:7, 125:23, 127:2, 127:13, 127:18, 128:1, 128:5, 129:3, 129:11, 136:2, 138:20, 139:9, 147:11, 148:10, 151:12, 152:17, 153:17, 154:12, 157:9, 157:20, 159:15, 160:5, 161:21, 164:7, 169:5, 170:14, 172:3, 173:6, 175:13, 175:23, 177:9, 178:10, 179:4, 185:6, 189:15, 190:6, 190:18, 191:5, 191:12, 191:23, 195:23, 196:16, 198:3</p> <p><b>chairman</b> [5] - 87:19, 94:6, 126:4, 144:20, 174:2</p> <p><b>Chairman</b> [3] - 9:2, 39:8, 130:7</p> <p><b>chairmanship</b> [3] - 51:18, 56:12, 68:16</p> <p><b>chairs</b> [2] - 4:3, 115:13</p> <p><b>challenged</b> [2] - 75:8, 76:12</p> <p><b>chance</b> [2] - 28:23, 31:19</p> <p><b>change</b> [32] - 13:18, 21:7, 21:21, 22:22, 49:3, 50:17, 56:18, 79:15, 79:16, 85:13, 85:17, 89:14, 90:5, 90:11, 94:21, 111:2, 111:5, 127:14, 135:4, 142:19, 146:10, 150:2, 151:7, 151:11, 158:19, 162:7, 170:2, 172:9, 172:10, 183:21, 193:1, 193:10</p> <p><b>changed</b> [12] - 32:7, 52:6, 101:15, 101:17, 142:2, 170:19, 172:11, 174:8, 174:12, 175:5, 175:17, 175:21</p> <p><b>changes</b> [18] - 45:17,</p>	<p>45:22, 46:4, 47:9, 48:8, 52:23, 62:9, 80:8, 89:23, 101:1, 131:18, 132:12, 150:17, 156:4, 170:8, 173:3, 174:6, 192:23</p> <p><b>changing</b> [5] - 51:10, 60:10, 66:23, 69:3, 101:22</p> <p><b>chapter</b> [4] - 97:1, 97:5, 97:7, 97:22</p> <p><b>Chapter</b> [13] - 79:4, 87:6, 95:11, 95:13, 96:22, 97:7, 97:9, 97:12, 97:16, 97:17, 97:18, 97:21, 97:23</p> <p><b>chapters</b> [5] - 70:6, 96:9, 96:21, 97:4, 97:23</p> <p><b>charge</b> [2] - 139:20, 178:23</p> <p><b>charged</b> [2] - 66:16</p> <p><b>charging</b> [4] - 77:1, 84:6, 101:23, 102:12</p> <p><b>charter</b> [1] - 136:13</p> <p><b>chemical</b> [1] - 192:15</p> <p><b>choices</b> [2] - 138:5, 139:15</p> <p><b>chooses</b> [1] - 143:17</p> <p><b>chose</b> [1] - 142:7</p> <p><b>Chris</b> [1] - 117:20</p> <p><b>chris</b> [1] - 6:7</p> <p><b>Cl</b> [2] - 179:23, 180:1</p> <p><b>circulated</b> [1] - 138:9</p> <p><b>circulation</b> [2] - 60:8, 60:16</p> <p><b>circumstances</b> [3] - 82:22, 109:5, 179:2</p> <p><b>circumventing</b> [1] - 133:6</p> <p><b>cite</b> [3] - 60:12, 76:4, 123:17</p> <p><b>cited</b> [5] - 76:3, 122:9, 125:11, 180:17, 182:13</p> <p><b>cladding</b> [1] - 17:18</p> <p><b>claim</b> [3] - 50:9, 65:10, 193:15</p> <p><b>claimed</b> [1] - 192:11</p> <p><b>claims</b> [1] - 195:1</p> <p><b>clarification</b> [4] - 23:7, 125:12, 127:14, 138:21</p> <p><b>clarified</b> [1] - 58:12</p> <p><b>clarify</b> [5] - 76:23, 85:6, 154:20, 168:7, 176:4</p> <p><b>clarity</b> [1] - 26:13</p> <p><b>classical</b> [1] - 185:11</p>	<p><b>classroom</b> [12] - 75:4, 77:11, 77:22, 81:5, 81:10, 83:13, 98:17, 102:5, 102:13, 102:17, 102:21, 113:14</p> <p><b>classrooms</b> [1] - 108:14</p> <p><b>clear</b> [5] - 27:6, 55:12, 113:7, 139:6, 182:1</p> <p><b>clearly</b> [7] - 67:1, 96:3, 103:21, 106:19, 112:9, 156:23, 186:4</p> <p><b>client</b> [1] - 20:22</p> <p><b>clients</b> [1] - 85:4</p> <p><b>clock</b> [1] - 138:22</p> <p><b>close</b> [7] - 36:17, 69:6, 69:20, 71:8, 114:3, 128:6, 198:14</p> <p><b>closed</b> [2] - 36:19, 189:20</p> <p><b>closes</b> [2] - 58:20, 189:15</p> <p><b>closest</b> [1] - 83:23</p> <p><b>closing</b> [10] - 40:12, 65:20, 71:10, 107:11, 107:14, 113:6, 119:22, 127:21, 185:20, 196:18</p> <p><b>clothing</b> [6] - 138:5, 139:16, 140:10, 141:19, 142:18, 169:22</p> <p><b>co</b> [1] - 61:6</p> <p><b>co-liaison</b> [1] - 61:6</p> <p><b>Code</b> [2] - 87:2, 87:14</p> <p><b>code</b> [42] - 9:9, 9:23, 23:10, 23:13, 23:14, 24:21, 53:15, 58:11, 58:12, 64:6, 68:17, 75:20, 78:22, 78:23, 79:3, 79:4, 79:12, 80:2, 80:8, 82:3, 82:9, 82:10, 83:15, 87:7, 87:10, 88:4, 88:5, 88:6, 88:18, 89:22, 97:13, 98:7, 98:11, 100:23, 101:15, 101:22, 107:3, 108:8, 111:15, 113:7, 113:18, 160:1</p> <p><b>codes</b> [7] - 24:7, 79:23, 86:20, 94:18, 110:3, 112:22</p> <p><b>codified</b> [1] - 109:13</p> <p><b>colleagues</b> [2] - 132:8, 134:21</p> <p><b>collect</b> [1] - 26:7</p>	<p><b>Collin</b> [1] - 90:16</p> <p><b>COLLINS</b> [5] - 37:21, 72:12, 86:8, 112:6, 119:12</p> <p><b>Collins</b> [5] - 37:21, 72:12, 86:8, 112:6, 119:12</p> <p><b>Collins'</b> [1] - 111:1</p> <p><b>COLLONA</b> [2] - 7:1, 118:15</p> <p><b>Collona</b> [2] - 7:1, 118:15</p> <p><b>combination</b> [2] - 78:17, 188:7</p> <p><b>combinations</b> [1] - 133:1</p> <p><b>combustible</b> [2] - 15:15, 125:5</p> <p><b>Comedia</b> [1] - 50:14</p> <p><b>comedia</b> [1] - 50:16</p> <p><b>comfortable</b> [2] - 67:17, 84:12</p> <p><b>coming</b> [9] - 13:23, 30:9, 36:23, 114:4, 135:10, 153:8, 189:23, 194:5, 198:4</p> <p><b>comment</b> [35] - 21:13, 29:3, 30:2, 30:8, 43:12, 43:14, 43:18, 43:22, 45:22, 46:21, 51:14, 56:13, 56:15, 57:1, 57:2, 57:9, 57:10, 59:19, 61:1, 65:5, 67:9, 69:2, 99:21, 111:1, 113:5, 120:23, 140:23, 154:18, 168:8, 170:14, 172:5, 180:2, 191:13</p> <p><b>commented</b> [2] - 57:9, 173:13</p> <p><b>comments</b> [45] - 8:18, 8:19, 20:10, 30:13, 30:18, 30:19, 40:16, 41:6, 41:16, 42:9, 46:18, 47:10, 47:15, 47:22, 51:7, 52:5, 54:18, 60:13, 60:17, 61:4, 65:10, 65:16, 66:1, 66:6, 67:6, 71:13, 73:19, 74:14, 74:18, 74:23, 75:3, 76:12, 76:20, 76:23, 85:3, 86:2, 86:4, 86:10, 86:13, 109:21, 110:15, 112:11, 126:2, 158:7, 165:8</p> <p><b>commercial</b> [1] - 81:4</p> <p><b>commitment</b> [1] -</p>	<p>49:14</p> <p><b>committee</b> [195] - 9:6, 10:19, 11:5, 11:12, 14:18, 18:21, 18:22, 20:6, 20:7, 20:15, 21:11, 21:13, 22:1, 22:4, 22:16, 23:1, 26:14, 26:17, 27:14, 27:16, 27:19, 30:5, 30:12, 30:23, 31:7, 32:6, 35:1, 38:2, 41:1, 41:2, 41:4, 41:10, 41:12, 41:14, 41:18, 42:3, 42:11, 42:13, 42:15, 42:16, 42:17, 43:1, 43:4, 43:9, 43:18, 44:8, 44:11, 45:15, 46:2, 46:12, 46:16, 46:18, 47:2, 47:11, 47:12, 48:1, 48:2, 48:6, 48:10, 48:11, 48:21, 49:6, 49:9, 49:14, 49:23, 50:4, 50:6, 50:9, 50:21, 50:23, 51:11, 51:13, 51:19, 52:1, 53:5, 55:1, 55:13, 56:4, 56:15, 57:3, 58:3, 58:7, 58:11, 58:14, 58:19, 59:8, 60:9, 60:15, 60:18, 61:1, 61:15, 62:10, 62:16, 63:20, 66:14, 66:21, 66:23, 67:17, 68:1, 68:12, 68:15, 68:23, 71:16, 71:18, 82:17, 87:20, 87:22, 88:10, 89:17, 90:17, 91:9, 91:22, 92:4, 92:5, 94:7, 95:10, 95:16, 96:4, 96:12, 96:14, 98:21, 103:21, 103:23, 104:7, 110:12, 110:13, 110:14, 111:13, 113:20, 118:19, 120:1, 120:15, 120:21, 120:22, 121:10, 121:23, 126:4, 126:9, 126:13, 126:18, 126:23, 127:6, 131:3, 131:11, 131:16, 132:21, 137:2, 137:5, 137:12, 144:16, 144:20, 145:1, 145:20, 145:22, 146:2, 146:7, 146:14, 146:19, 147:12,</p>
--	--	---	--	---

<p>147:18, 147:23, 148:4, 148:9, 154:2, 155:15, 155:19, 155:23, 156:2, 157:3, 158:10, 158:13, 158:22, 159:4, 159:10, 159:12, 159:16, 159:17, 160:18, 160:22, 170:12, 172:8, 178:22, 183:1, 183:2, 186:17, 186:23, 192:22, 194:6, 194:9, 194:10, 194:19, 195:16</p> <p><b>Committee</b> [9] - 38:3, 103:19, 104:23, 105:1, 105:3, 107:2, 130:6, 130:19, 147:17</p> <p><b>committee's</b> [10] - 21:18, 48:7, 53:12, 66:10, 69:3, 89:15, 94:4, 98:13, 133:4, 155:21</p> <p><b>committees</b> [13] - 40:23, 42:21, 43:7, 55:18, 66:19, 88:14, 94:10, 95:1, 95:8, 95:20, 111:10, 197:1, 197:2</p> <p><b>common</b> [1] - 141:15</p> <p><b>communicated</b> [1] - 86:1</p> <p><b>community</b> [1] - 35:10</p> <p><b>companies</b> [1] - 197:13</p> <p><b>company</b> [9] - 73:8, 73:12, 74:5, 74:9, 85:2, 130:5, 169:21, 187:23, 188:1</p> <p><b>Company</b> [9] - 6:15, 38:9, 40:21, 52:19, 59:22, 72:11, 84:21, 85:1, 118:7</p> <p><b>comparable</b> [1] - 188:10</p> <p><b>compare</b> [3] - 141:22, 142:3, 147:7</p> <p><b>compared</b> [1] - 178:8</p> <p><b>comparison</b> [3] - 142:15, 163:19, 167:22</p> <p><b>compelled</b> [1] - 139:17</p> <p><b>compelling</b> [1] - 74:21</p> <p><b>compete</b> [2] - 132:5, 146:20</p> <p><b>competition</b> [3] -</p>	<p>131:1, 134:1, 146:22</p> <p><b>competitive</b> [1] - 133:7</p> <p><b>competitor</b> [2] - 66:9, 133:5</p> <p><b>competitors</b> [5] - 44:3, 44:5, 44:10, 44:14, 45:19</p> <p><b>complaint</b> [1] - 100:22</p> <p><b>complete</b> [4] - 122:3, 122:6, 122:10, 122:21</p> <p><b>completed</b> [1] - 122:2</p> <p><b>completely</b> [5] - 53:4, 67:16, 89:10, 178:17, 197:1</p> <p><b>complex</b> [4] - 82:22, 83:16, 109:5, 165:18</p> <p><b>compliance</b> [4] - 12:5, 12:10, 40:20, 132:7</p> <p><b>compliant</b> [2] - 100:19, 101:19</p> <p><b>comply</b> [1] - 80:7</p> <p><b>component</b> [2] - 18:17, 81:15</p> <p><b>compound</b> [1] - 47:23</p> <p><b>compromised</b> [1] - 93:5</p> <p><b>computer</b> [1] - 160:1</p> <p><b>concealed</b> [8] - 120:20, 121:6, 121:20, 123:4, 124:7, 124:11, 124:12, 124:16</p> <p><b>concept</b> [3] - 84:15, 88:22, 98:13</p> <p><b>concepts</b> [1] - 94:15</p> <p><b>concern</b> [17] - 9:4, 19:23, 26:6, 45:11, 45:14, 60:4, 60:7, 61:22, 64:20, 64:21, 94:16, 100:18, 101:4, 127:15, 143:6, 187:1, 194:23</p> <p><b>concerned</b> [2] - 19:17, 79:1</p> <p><b>concerning</b> [4] - 7:6, 78:16, 128:20, 161:13</p> <p><b>concerns</b> [11] - 64:15, 67:3, 73:18, 74:14, 86:1, 91:17, 104:9, 109:6, 109:8, 132:22, 134:10</p> <p><b>concert</b> [1] - 78:10</p> <p><b>conclusion</b> [3] - 8:20, 65:8, 97:16</p> <p><b>conclusions</b> [1] - 37:2</p> <p><b>condition</b> [2] - 103:13, 108:7</p>	<p><b>conditions</b> [4] - 83:2, 83:4, 108:18, 109:7</p> <p><b>conduct</b> [8] - 44:19, 45:3, 46:23, 59:23, 62:3, 132:20, 135:6, 154:7</p> <p><b>conducted</b> [2] - 26:3, 195:8</p> <p><b>conducting</b> [1] - 192:11</p> <p><b>conference</b> [1] - 104:9</p> <p><b>confidence</b> [3] - 44:21, 144:2, 187:10</p> <p><b>configurations</b> [1] - 142:19</p> <p><b>confirmation</b> [1] - 143:11</p> <p><b>conflict</b> [14] - 22:5, 26:12, 27:10, 48:9, 52:14, 62:14, 123:19, 124:3, 124:18, 124:19, 125:8, 125:10, 125:19, 125:21</p> <p><b>conforming</b> [1] - 187:15</p> <p><b>confronted</b> [2] - 105:8, 105:11</p> <p><b>confused</b> [1] - 148:23</p> <p><b>confusing</b> [2] - 33:4, 33:16</p> <p><b>confusion</b> [2] - 35:8, 143:5</p> <p><b>connection</b> [2] - 156:12, 162:1</p> <p><b>consensus</b> [5] - 82:18, 142:8, 142:14, 144:22, 150:22</p> <p><b>consequences</b> [1] - 112:1</p> <p><b>consequent</b> [1] - 26:7</p> <p><b>conservative</b> [4] - 14:5, 15:1, 35:23, 182:19</p> <p><b>consider</b> [8] - 49:10, 51:20, 60:10, 78:22, 79:11, 80:10, 107:21, 165:22</p> <p><b>consideration</b> [4] - 29:10, 64:19, 106:12, 156:9</p> <p><b>consisted</b> [1] - 142:11</p> <p><b>consistency</b> [3] - 140:2, 144:8, 152:15</p> <p><b>consistent</b> [4] - 47:19, 147:6, 187:18, 188:9</p> <p><b>consistently</b> [2] - 92:6, 188:12</p> <p><b>consists</b> [1] - 158:18</p>	<p><b>conspiracies</b> [2] - 133:1, 133:11</p> <p><b>constructed</b> [1] - 31:11</p> <p><b>construction</b> [10] - 10:7, 12:15, 23:21, 26:10, 27:2, 79:2, 79:13, 87:2, 94:23, 124:13</p> <p><b>consultant</b> [2] - 44:12, 66:7</p> <p><b>Consulting</b> [3] - 5:4, 5:10, 73:9</p> <p><b>consulting</b> [2] - 20:19, 74:6</p> <p><b>consumer</b> [4] - 131:2, 144:1, 147:7, 187:3</p> <p><b>consumers</b> [2] - 147:2, 187:9</p> <p><b>contact</b> [1] - 59:4</p> <p><b>contacted</b> [2] - 57:19, 60:16</p> <p><b>contain</b> [1] - 199:7</p> <p><b>containers</b> [2] - 41:13, 46:3</p> <p><b>containing</b> [1] - 98:17</p> <p><b>contains</b> [2] - 17:4, 79:5</p> <p><b>continue</b> [4] - 51:1, 57:4, 89:7, 137:11</p> <p><b>continues</b> [2] - 22:6, 89:3</p> <p><b>continuous</b> [2] - 89:4, 91:5</p> <p><b>contracts</b> [1] - 133:1</p> <p><b>contrary</b> [2] - 94:15, 195:11</p> <p><b>contribute</b> [1] - 131:13</p> <p><b>contributed</b> [1] - 189:6</p> <p><b>contributors</b> [1] - 108:8</p> <p><b>control</b> [2] - 16:15, 148:17</p> <p><b>controlled</b> [1] - 149:20</p> <p><b>converted</b> [1] - 87:9</p> <p><b>convey</b> [4] - 69:12, 86:12, 128:15, 198:12</p> <p><b>Cooperative</b> [1] - 133:16</p> <p><b>coordinate</b> [2] - 42:20, 71:13</p> <p><b>coordinating</b> [1] - 43:5</p> <p><b>core</b> [1] - 100:10</p> <p><b>Corp</b> [2] - 5:8, 14:16</p> <p><b>CORRADO</b> [8] - 118:17, 147:14,</p>	<p>154:1, 155:17, 158:6, 159:9, 159:12, 159:16</p> <p><b>corrado</b> [1] - 158:2</p> <p><b>Corrado</b> [5] - 118:17, 147:14, 154:1, 155:17, 158:6</p> <p><b>Corrado's</b> [1] - 157:17</p> <p><b>correct</b> [32] - 28:14, 38:20, 39:22, 39:23, 40:3, 40:4, 63:13, 71:18, 72:4, 90:7, 120:5, 125:13, 127:8, 127:9, 127:16, 127:17, 149:14, 150:7, 153:10, 156:22, 160:10, 160:11, 160:14, 162:12, 165:11, 191:2, 191:11, 194:20, 196:12, 196:15, 197:23, 199:8</p> <p><b>corrected</b> [1] - 127:11</p> <p><b>correction</b> [1] - 193:18</p> <p><b>correctly</b> [4] - 3:19, 92:9, 115:9, 195:8</p> <p><b>correlate</b> [2] - 120:1, 178:18</p> <p><b>correlated</b> [1] - 21:19</p> <p><b>Correlating</b> [1] - 107:2</p> <p><b>correlating</b> [29] - 41:10, 42:13, 42:14, 42:16, 43:9, 45:15, 46:12, 47:2, 48:1, 48:7, 57:17, 62:8, 63:4, 66:14, 66:17, 66:21, 71:16, 94:4, 94:7, 95:16, 96:3, 96:14, 98:12, 126:4, 126:9, 126:13, 126:22, 127:6, 194:10</p> <p><b>correlation</b> [12] - 52:14, 53:3, 96:18, 96:20, 96:21, 98:3, 106:20, 106:22, 107:5, 121:15, 122:19, 123:18</p> <p><b>correspondence</b> [1] - 44:8</p> <p><b>costly</b> [1] - 94:21</p> <p><b>COUNCIL</b> [1] - 1:5</p> <p><b>Council</b> [127] - 3:4, 4:8, 4:12, 4:14, 4:16, 4:18, 4:20, 4:22, 5:12, 5:14, 5:16, 5:18, 5:20, 5:22, 7:10, 7:15, 7:18, 7:21, 8:2, 8:5, 8:19,</p>
---	--	--	---	--

<p>9:2, 23:6, 24:3, 25:4, 29:6, 29:7, 29:22, 32:13, 36:19, 38:22, 39:2, 39:5, 39:9, 39:12, 40:11, 52:9, 52:11, 54:5, 56:22, 57:15, 60:23, 63:9, 63:22, 65:19, 69:9, 69:10, 69:11, 70:13, 70:18, 70:20, 70:23, 71:8, 98:5, 99:1, 99:3, 99:20, 101:14, 106:15, 106:17, 107:10, 114:9, 114:11, 114:12, 114:16, 115:20, 115:23, 116:8, 116:10, 116:13, 116:16, 116:18, 116:20, 116:22, 117:1, 117:4, 117:7, 117:9, 117:11, 117:13, 117:15, 119:21, 120:14, 127:3, 127:19, 128:12, 128:15, 129:1, 129:4, 129:6, 129:9, 129:12, 130:8, 130:13, 130:15, 135:14, 148:20, 148:22, 150:12, 154:14, 157:10, 157:21, 160:6, 164:9, 164:22, 174:4, 174:18, 175:3, 176:1, 179:5, 179:10, 189:18, 189:23, 190:1, 190:19, 190:20, 191:17, 191:20, 192:6, 194:15, 196:5, 196:17, 196:22, 197:8, 198:9, 198:10, 198:12</p> <p><b>Council's</b> [2] - 21:2, 128:13</p> <p><b>couple</b> [5] - 35:15, 76:14, 92:19, 120:16, 175:16</p> <p><b>cover</b> [1] - 86:11</p> <p><b>CR</b> [1] - 158:14</p> <p><b>create</b> [10] - 22:3, 35:8, 41:14, 43:18, 47:13, 108:21, 123:19, 125:21, 176:15, 182:2</p> <p><b>created</b> [6] - 49:19, 50:9, 50:16, 53:4,</p>	<p>81:10, 143:5</p> <p><b>creates</b> [2] - 36:15, 131:19</p> <p><b>creating</b> [1] - 49:17</p> <p><b>creative</b> [1] - 173:1</p> <p><b>credibility</b> [1] - 144:13</p> <p><b>criteria</b> [14] - 86:16, 86:18, 87:11, 112:19, 145:5, 176:5, 176:17, 188:11, 189:7, 189:12, 192:20, 197:4, 197:15, 197:19</p> <p><b>critical</b> [3] - 19:17, 28:16, 144:4</p> <p><b>critically</b> [1] - 197:17</p> <p><b>crucial</b> [1] - 77:17</p> <p><b>cumbersome</b> [1] - 106:3</p> <p><b>cumulative</b> [2] - 32:16, 129:19</p> <p><b>cumulatively</b> [1] - 129:15</p> <p><b>cure</b> [1] - 36:8</p> <p><b>curious</b> [1] - 24:3</p> <p><b>current</b> [6] - 23:13, 24:7, 41:7, 94:16, 164:11, 195:15</p> <p><b>customer's</b> [1] - 184:22</p> <p><b>customers</b> [2] - 181:3, 181:6</p> <p><b>cut</b> [1] - 183:5</p> <p><b>cycle</b> [4] - 41:8, 91:10, 136:17, 138:7</p> <p><b>cycles</b> [1] - 49:11</p> <p><b>cylinder</b> [1] - 81:20</p>	<p>54:4, 57:14</p> <p><b>data</b> [23] - 19:7, 21:20, 21:23, 22:8, 22:10, 22:21, 28:6, 33:18, 34:17, 34:20, 122:7, 137:21, 138:1, 138:3, 138:9, 138:11, 138:14, 138:16, 138:17, 139:13, 159:20, 175:18, 175:22</p> <p><b>date</b> [1] - 140:1</p> <p><b>dated</b> [1] - 80:23</p> <p><b>dave</b> [1] - 6:16</p> <p><b>Dave</b> [7] - 19:20, 37:21, 72:12, 86:8, 111:1, 112:6, 119:12</p> <p><b>DAVID</b> [1] - 37:21</p> <p><b>Dawn</b> [6] - 4:6, 69:11, 114:11, 115:15, 128:14, 198:11</p> <p><b>dawn</b> [2] - 4:7, 176:2</p> <p><b>Daycare</b> [2] - 38:3, 103:18</p> <p><b>daycare</b> [8] - 80:18, 91:9, 95:22, 96:23, 98:16, 109:11, 110:2, 110:14</p> <p><b>days</b> [3] - 78:2, 78:5, 93:9</p> <p><b>deadbolt</b> [4] - 81:6, 81:9, 81:16, 104:16</p> <p><b>deadbolts</b> [1] - 81:6</p> <p><b>deadline</b> [1] - 122:5</p> <p><b>deal</b> [6] - 70:5, 75:19, 82:6, 93:11, 136:17, 172:9</p> <p><b>dealing</b> [2] - 132:19, 171:3</p> <p><b>deals</b> [1] - 131:17</p> <p><b>dealt</b> [2] - 20:15, 133:13</p> <p><b>debatable</b> [1] - 134:20</p> <p><b>debate</b> [5] - 30:7, 30:8, 116:3, 167:9, 193:10</p> <p><b>debated</b> [2] - 91:19, 192:21</p> <p><b>debating</b> [1] - 88:21</p> <p><b>decades</b> [6] - 80:16, 81:11, 81:12, 90:17, 100:16, 138:11</p> <p><b>decide</b> [1] - 84:13</p> <p><b>decided</b> [4] - 10:19, 27:21, 68:1, 136:22</p> <p><b>decision</b> [16] - 25:3, 32:3, 36:21, 37:2, 69:9, 69:13, 114:9, 128:12, 128:16, 139:14, 147:4,</p>	<p>189:21, 190:2, 198:9, 198:13</p> <p><b>decisions</b> [7] - 28:4, 84:2, 106:1, 106:5, 108:18, 133:6, 189:20</p> <p><b>decrease</b> [2] - 143:13, 170:22</p> <p><b>dedicated</b> [1] - 67:20</p> <p><b>defend</b> [1] - 109:9</p> <p><b>defensible</b> [1] - 134:18</p> <p><b>define</b> [2] - 178:13, 195:18</p> <p><b>defined</b> [3] - 135:7, 144:6, 194:22</p> <p><b>defining</b> [1] - 28:15</p> <p><b>definite</b> [1] - 100:3</p> <p><b>definition</b> [3] - 42:15, 43:8, 48:9</p> <p><b>degrade</b> [1] - 171:12</p> <p><b>degrees</b> [1] - 16:23</p> <p><b>delay</b> [2] - 83:3, 83:5</p> <p><b>delayed</b> [2] - 83:10, 84:11</p> <p><b>delaying</b> [1] - 186:9</p> <p><b>deliberate</b> [1] - 91:23</p> <p><b>deliberated</b> [1] - 103:20</p> <p><b>deliberately</b> [1] - 86:20</p> <p><b>deliberating</b> [3] - 36:19, 189:19, 191:20</p> <p><b>deliberation</b> [2] - 7:9, 128:23</p> <p><b>deliberations</b> [9] - 7:22, 8:6, 39:6, 39:13, 71:1, 116:1, 116:14, 117:5, 129:9</p> <p><b>delivered</b> [1] - 171:6</p> <p><b>delivers</b> [1] - 49:4</p> <p><b>demeanor</b> [1] - 45:6</p> <p><b>denied</b> [1] - 147:10</p> <p><b>Denise</b> [4] - 137:13, 137:15, 140:20, 147:3</p> <p><b>deny</b> [1] - 189:14</p> <p><b>denying</b> [1] - 198:1</p> <p><b>dependent</b> [1] - 121:6</p> <p><b>derive</b> [1] - 195:17</p> <p><b>described</b> [1] - 79:3</p> <p><b>description</b> [1] - 140:21</p> <p><b>deserve</b> [1] - 166:23</p> <p><b>design</b> [1] - 17:20</p> <p><b>designed</b> [5] - 76:15, 82:21, 109:4, 109:16, 178:6</p> <p><b>desire</b> [4] - 131:3,</p>	<p>131:8, 182:7</p> <p><b>detail</b> [2] - 50:6, 176:15</p> <p><b>detailed</b> [2] - 97:13, 186:10</p> <p><b>details</b> [1] - 77:13</p> <p><b>determine</b> [4] - 28:10, 34:17, 92:4, 133:23</p> <p><b>develop</b> [2] - 34:20, 44:22</p> <p><b>developed</b> [3] - 10:1, 32:6, 189:4</p> <p><b>developers</b> [1] - 108:9</p> <p><b>Development</b> [1] - 133:17</p> <p><b>development</b> [11] - 21:5, 40:19, 45:1, 47:1, 69:19, 87:5, 88:4, 133:12, 133:15, 133:21, 161:3</p> <p><b>device</b> [2] - 104:17, 104:18</p> <p><b>devices</b> [7] - 90:3, 90:4, 104:11, 104:12, 104:13, 110:1, 146:9</p> <p><b>diagnose</b> [1] - 165:10</p> <p><b>diagrams</b> [1] - 35:2</p> <p><b>dictates</b> [1] - 189:11</p> <p><b>DiFazio</b> [1] - 199:15</p> <p><b>difference</b> [10] - 22:3, 61:11, 124:2, 125:7, 153:22, 164:22, 166:14, 166:15, 173:23, 174:1</p> <p><b>differences</b> [4] - 124:4, 144:11, 166:14, 168:18</p> <p><b>different</b> [26] - 10:23, 26:21, 28:8, 31:10, 53:1, 70:5, 97:5, 97:14, 97:15, 99:12, 107:7, 140:17, 141:14, 141:20, 142:18, 145:21, 146:8, 152:3, 153:19, 171:22, 181:12, 184:7, 186:22, 194:17, 194:18</p> <p><b>differently</b> [2] - 61:9, 79:10</p> <p><b>difficult</b> [2] - 93:17, 105:19</p> <p><b>direct</b> [3] - 55:13, 123:20, 148:15</p> <p><b>direction</b> [3] - 110:20, 153:19, 186:8</p> <p><b>directly</b> [7] - 12:17,</p>	
		<p><b>D</b></p>	<p><b>d-1</b> [1] - 70:4</p> <p><b>DALE</b> [6] - 118:8, 140:3, 153:3, 161:8, 170:16, 173:12</p> <p><b>Dale</b> [11] - 118:8, 140:4, 152:23, 153:5, 161:8, 164:14, 170:16, 172:7, 172:16, 173:12, 183:15</p> <p><b>Dan</b> [2] - 99:19, 116:23</p> <p><b>dan</b> [2] - 148:21, 150:11</p> <p><b>danger</b> [1] - 83:7</p> <p><b>dangerous</b> [1] - 132:14</p> <p><b>Daniel</b> [4] - 5:11, 7:17,</p>	<p>189:21, 190:2, 198:9, 198:13</p> <p><b>decisions</b> [7] - 28:4, 84:2, 106:1, 106:5, 108:18, 133:6, 189:20</p> <p><b>decrease</b> [2] - 143:13, 170:22</p> <p><b>dedicated</b> [1] - 67:20</p> <p><b>defend</b> [1] - 109:9</p> <p><b>defensible</b> [1] - 134:18</p> <p><b>define</b> [2] - 178:13, 195:18</p> <p><b>defined</b> [3] - 135:7, 144:6, 194:22</p> <p><b>defining</b> [1] - 28:15</p> <p><b>definite</b> [1] - 100:3</p> <p><b>definition</b> [3] - 42:15, 43:8, 48:9</p> <p><b>degrade</b> [1] - 171:12</p> <p><b>degrees</b> [1] - 16:23</p> <p><b>delay</b> [2] - 83:3, 83:5</p> <p><b>delayed</b> [2] - 83:10, 84:11</p> <p><b>delaying</b> [1] - 186:9</p> <p><b>deliberate</b> [1] - 91:23</p> <p><b>deliberated</b> [1] - 103:20</p> <p><b>deliberately</b> [1] - 86:20</p> <p><b>deliberating</b> [3] - 36:19, 189:19, 191:20</p> <p><b>deliberation</b> [2] - 7:9, 128:23</p> <p><b>deliberations</b> [9] - 7:22, 8:6, 39:6, 39:13, 71:1, 116:1, 116:14, 117:5, 129:9</p> <p><b>delivered</b> [1] - 171:6</p> <p><b>delivers</b> [1] - 49:4</p> <p><b>demeanor</b> [1] - 45:6</p> <p><b>denied</b> [1] - 147:10</p> <p><b>Denise</b> [4] - 137:13, 137:15, 140:20, 147:3</p> <p><b>deny</b> [1] - 189:14</p> <p><b>denying</b> [1] - 198:1</p> <p><b>dependent</b> [1] - 121:6</p> <p><b>derive</b> [1] - 195:17</p> <p><b>described</b> [1] - 79:3</p> <p><b>description</b> [1] - 140:21</p> <p><b>deserve</b> [1] - 166:23</p> <p><b>design</b> [1] - 17:20</p> <p><b>designed</b> [5] - 76:15, 82:21, 109:4, 109:16, 178:6</p> <p><b>desire</b> [4] - 131:3,</p>	<p>131:8, 182:7</p> <p><b>detail</b> [2] - 50:6, 176:15</p> <p><b>detailed</b> [2] - 97:13, 186:10</p> <p><b>details</b> [1] - 77:13</p> <p><b>determine</b> [4] - 28:10, 34:17, 92:4, 133:23</p> <p><b>develop</b> [2] - 34:20, 44:22</p> <p><b>developed</b> [3] - 10:1, 32:6, 189:4</p> <p><b>developers</b> [1] - 108:9</p> <p><b>Development</b> [1] - 133:17</p> <p><b>development</b> [11] - 21:5, 40:19, 45:1, 47:1, 69:19, 87:5, 88:4, 133:12, 133:15, 133:21, 161:3</p> <p><b>device</b> [2] - 104:17, 104:18</p> <p><b>devices</b> [7] - 90:3, 90:4, 104:11, 104:12, 104:13, 110:1, 146:9</p> <p><b>diagnose</b> [1] - 165:10</p> <p><b>diagrams</b> [1] - 35:2</p> <p><b>dictates</b> [1] - 189:11</p> <p><b>DiFazio</b> [1] - 199:15</p> <p><b>difference</b> [10] - 22:3, 61:11, 124:2, 125:7, 153:22, 164:22, 166:14, 166:15, 173:23, 174:1</p> <p><b>differences</b> [4] - 124:4, 144:11, 166:14, 168:18</p> <p><b>different</b> [26] - 10:23, 26:21, 28:8, 31:10, 53:1, 70:5, 97:5, 97:14, 97:15, 99:12, 107:7, 140:17, 141:14, 141:20, 142:18, 145:21, 146:8, 152:3, 153:19, 171:22, 181:12, 184:7, 186:22, 194:17, 194:18</p> <p><b>differently</b> [2] - 61:9, 79:10</p> <p><b>difficult</b> [2] - 93:17, 105:19</p> <p><b>direct</b> [3] - 55:13, 123:20, 148:15</p> <p><b>direction</b> [3] - 110:20, 153:19, 186:8</p> <p><b>directly</b> [7] - 12:17,</p>

<p>37:11, 69:21, 111:23, 158:8, 176:22, 178:18</p> <p><b>director</b> [2] - 19:21, 40:19</p> <p><b>Directors</b> [1] - 105:2</p> <p><b>Disabilities</b> [4] - 75:12, 90:1, 93:20, 113:1</p> <p><b>disability</b> [1] - 93:15</p> <p><b>Disability</b> [2] - 74:20, 75:6</p> <p><b>disagree</b> [2] - 122:4, 126:20</p> <p><b>disagreed</b> [1] - 14:3</p> <p><b>discovered</b> [1] - 192:9</p> <p><b>discretion</b> [3] - 84:13, 108:20, 136:4</p> <p><b>discuss</b> [1] - 31:15</p> <p><b>discussed</b> [7] - 28:7, 120:15, 126:21, 158:10, 161:1, 162:4, 164:12</p> <p><b>discussing</b> [2] - 122:14, 179:16</p> <p><b>discussion</b> [25] - 26:6, 47:6, 50:20, 50:21, 51:17, 51:20, 55:20, 55:21, 56:10, 56:19, 56:23, 57:2, 57:3, 57:7, 58:4, 59:8, 60:10, 64:17, 122:16, 137:11, 157:16, 173:10, 176:6, 181:18, 198:17</p> <p><b>discussions</b> [1] - 47:4</p> <p><b>dispassionate</b> [1] - 45:6</p> <p><b>disqualifying</b> [1] - 197:5</p> <p><b>disruption</b> [1] - 132:14</p> <p><b>disrupts</b> [1] - 187:18</p> <p><b>distraction</b> [1] - 181:3</p> <p><b>distributed</b> [1] - 36:22</p> <p><b>district</b> [2] - 101:2, 103:3</p> <p><b>Doctor</b> [15] - 152:7, 152:23, 164:9, 164:14, 167:11, 167:15, 172:7, 172:16, 173:13, 174:4, 183:15, 185:21, 186:19, 187:21</p> <p><b>document</b> [6] - 22:19, 26:13, 66:18, 87:10, 155:3, 180:7</p> <p><b>documentation</b> [2] -</p>	<p>18:20, 148:2</p> <p><b>documented</b> [1] - 141:9</p> <p><b>documents</b> [2] - 85:5, 130:12</p> <p><b>done</b> [19] - 13:12, 18:6, 22:1, 31:8, 35:6, 50:1, 89:5, 111:9, 121:22, 123:3, 141:23, 149:17, 151:3, 164:16, 171:21, 179:22, 180:21, 180:23, 192:21</p> <p><b>door</b> [15] - 21:8, 81:7, 90:21, 94:14, 94:21, 94:22, 100:19, 100:22, 102:3, 102:5, 102:7, 102:13, 105:12, 107:20, 109:23</p> <p><b>doors</b> [67] - 73:15, 74:12, 75:4, 75:17, 75:21, 76:1, 77:11, 77:14, 77:16, 77:23, 78:13, 79:6, 79:7, 79:9, 79:10, 79:11, 79:14, 79:19, 79:20, 80:2, 80:7, 80:9, 80:11, 80:15, 80:18, 80:20, 80:23, 81:11, 81:14, 81:20, 81:23, 82:7, 82:11, 82:13, 82:20, 83:8, 83:13, 83:18, 83:20, 84:4, 84:16, 84:18, 85:16, 93:4, 93:7, 94:19, 100:8, 100:10, 100:11, 100:13, 101:7, 101:8, 101:10, 101:19, 102:21, 103:4, 103:5, 105:5, 107:17, 108:6, 108:15, 109:20, 109:22, 110:4, 111:3, 112:14</p> <p><b>dosage</b> [1] - 171:12</p> <p><b>dosages</b> [1] - 171:4</p> <p><b>Doug</b> [1] - 118:8</p> <p><b>Douglas</b> [3] - 140:4, 153:5, 161:8</p> <p><b>down</b> [12] - 4:4, 13:23, 15:23, 16:11, 55:1, 55:3, 83:5, 104:1, 116:4, 125:6, 136:8, 173:14</p> <p><b>draft</b> [27] - 21:21, 22:20, 29:23, 30:19, 30:22, 41:11, 43:15,</p>	<p>45:23, 47:18, 50:18, 50:22, 51:1, 88:19, 91:15, 91:16, 95:9, 95:14, 96:2, 96:5, 96:7, 120:14, 121:1, 159:5, 162:9, 186:12</p> <p><b>draw</b> [1] - 151:3</p> <p><b>drilled</b> [1] - 77:15</p> <p><b>drills</b> [1] - 78:11</p> <p><b>drive</b> [2] - 56:4, 133:15</p> <p><b>driven</b> [1] - 132:12</p> <p><b>driving</b> [2] - 88:13, 185:5</p> <p><b>drop</b> [2] - 53:13, 169:11</p> <p><b>dropped</b> [1] - 166:18</p> <p><b>Dryvit</b> [1] - 5:1</p> <p><b>DUBAY</b> [2] - 6:7, 117:20</p> <p><b>Dubay</b> [2] - 6:7, 117:20</p> <p><b>DUBROWSKI</b> [4] - 38:1, 87:18, 88:1, 104:6</p> <p><b>Dubrowski</b> [4] - 38:1, 87:19, 99:6, 104:6</p> <p><b>due</b> [3] - 19:5, 112:13, 127:7</p> <p><b>duplicate</b> [1] - 86:18</p> <p><b>duplicated</b> [1] - 142:22</p> <p><b>Dupont</b> [21] - 118:6, 130:4, 149:1, 149:4, 149:17, 150:6, 150:15, 155:1, 156:21, 160:8, 160:21, 163:20, 164:13, 165:4, 166:17, 168:11, 170:21, 175:7, 177:9, 179:9</p> <p><b>DuPont's</b> [3] - 180:19, 181:15, 181:16</p> <p><b>durability</b> [1] - 16:20</p> <p><b>durable</b> [1] - 17:1</p> <p><b>duration</b> [1] - 141:18</p> <p><b>during</b> [29] - 15:16, 16:2, 16:12, 21:12, 21:21, 22:20, 36:23, 41:11, 51:11, 51:16, 54:12, 54:17, 57:23, 58:21, 59:5, 59:9, 60:1, 60:8, 60:15, 73:19, 74:15, 90:11, 95:9, 95:14, 131:23, 157:16, 158:16, 186:12, 189:23</p>	<p><b>E</b></p> <p><b>E119</b> [1] - 13:18</p> <p><b>early</b> [4] - 31:14, 79:22, 94:8, 138:7</p> <p><b>easier</b> [1] - 14:23</p> <p><b>easily</b> [3] - 18:6, 26:2, 153:10</p> <p><b>eating</b> [1] - 90:10</p> <p><b>eaves</b> [2] - 11:2, 14:21</p> <p><b>economic</b> [1] - 135:3</p> <p><b>economically</b> [1] - 187:21</p> <p><b>edge</b> [1] - 15:14</p> <p><b>edition</b> [13] - 9:10, 21:6, 23:14, 23:18, 24:4, 24:6, 24:10, 24:12, 35:5, 79:20, 80:6, 82:10, 191:7</p> <p><b>educating</b> [1] - 75:19</p> <p><b>Education</b> [2] - 38:3, 103:18</p> <p><b>education</b> [4] - 91:9, 95:21, 105:5, 110:14</p> <p><b>educational</b> [6] - 77:23, 95:13, 96:8, 96:22, 98:16, 112:15</p> <p><b>effect</b> [2] - 79:13, 171:3</p> <p><b>effective</b> [1] - 63:13</p> <p><b>efficacy</b> [2] - 44:23, 121:19</p> <p><b>efficiency</b> [1] - 44:23</p> <p><b>effort</b> [1] - 139:6</p> <p><b>egress</b> [16] - 73:14, 74:11, 75:21, 83:3, 83:6, 83:10, 84:11, 87:12, 89:23, 90:17, 95:10, 95:23, 96:6, 110:12, 112:9, 112:11</p> <p><b>Egress</b> [1] - 104:22</p> <p><b>EIFS</b> [3] - 6:17, 19:16, 19:21</p> <p><b>EIMA</b> [4] - 5:1, 5:8, 14:18, 14:19</p> <p><b>EIMA's</b> [1] - 19:23</p> <p><b>either</b> [4] - 14:10, 34:17, 87:20, 124:23</p> <p><b>elaborate</b> [1] - 194:21</p> <p><b>element</b> [1] - 162:5</p> <p><b>elements</b> [2] - 64:5, 172:19</p> <p><b>elevated</b> [1] - 171:11</p> <p><b>eliminate</b> [3] - 13:10, 132:13, 183:9</p> <p><b>eliminated</b> [1] - 111:16</p> <p><b>eliminating</b> [1] - 34:12</p>	<p><b>elsewhere</b> [1] - 86:19</p> <p><b>email</b> [1] - 60:14</p> <p><b>emergency</b> [6] - 77:12, 78:10, 89:22, 108:1, 108:6, 194:12</p> <p><b>emeritus</b> [1] - 140:5</p> <p><b>emotional</b> [3] - 173:8, 179:11</p> <p><b>emotions</b> [1] - 173:9</p> <p><b>emphasize</b> [3] - 19:23, 20:2, 145:13</p> <p><b>employee</b> [1] - 139:16</p> <p><b>employees</b> [1] - 138:6</p> <p><b>enacted</b> [2] - 92:21, 105:21</p> <p><b>encapsulate</b> [1] - 16:18</p> <p><b>enclose</b> [1] - 16:19</p> <p><b>encourage</b> [3] - 22:23, 25:4, 55:21</p> <p><b>end</b> [20] - 4:4, 11:4, 30:8, 30:9, 30:23, 50:20, 50:22, 51:2, 51:4, 51:16, 68:7, 89:6, 142:23, 154:3, 154:11, 166:22, 177:21, 181:3, 197:14</p> <p><b>endanger</b> [1] - 93:4</p> <p><b>ended</b> [4] - 56:10, 56:23, 57:5, 69:2</p> <p><b>endorse</b> [1] - 169:4</p> <p><b>ends</b> [1] - 30:7</p> <p><b>energy</b> [4] - 171:5, 171:6, 171:8, 171:10</p> <p><b>enforce</b> [2] - 92:20, 105:20</p> <p><b>enforcer</b> [1] - 92:20</p> <p><b>enforcers</b> [3] - 88:11, 88:17, 89:18</p> <p><b>enforcing</b> [1] - 100:21</p> <p><b>engaged</b> [2] - 81:17</p> <p><b>engineer</b> [2] - 169:9, 174:5</p> <p><b>enhances</b> [1] - 44:21</p> <p><b>ensued</b> [2] - 50:20, 144:18</p> <p><b>ensure</b> [9] - 49:8, 51:7, 67:23, 68:11, 68:12, 68:19, 145:16, 145:23, 147:19</p> <p><b>ensured</b> [1] - 146:21</p> <p><b>ensuring</b> [1] - 68:16</p> <p><b>enter</b> [1] - 37:14</p> <p><b>entered</b> [2] - 37:16, 190:11</p> <p><b>entire</b> [4] - 87:4, 111:19, 152:12, 163:23</p>
---	--	--	---	---

<p><b>entirety</b> [1] - 107:3  <b>entry</b> [7] - 81:7, 83:13, 102:6, 102:8, 102:10, 102:13, 102:19  <b>environment</b> [2] - 111:17, 111:21  <b>EPS</b> [1] - 16:10  <b>equipment</b> [4] - 174:10, 174:11, 188:6, 188:7  <b>error</b> [2] - 163:10, 167:16  <b>errors</b> [1] - 161:19  <b>escaping</b> [1] - 83:7  <b>especially</b> [7] - 11:18, 27:21, 29:1, 55:18, 61:2, 88:6, 108:15  <b>essentially</b> [5] - 49:3, 132:3, 133:6, 133:22, 151:22  <b>establish</b> [2] - 178:17, 197:18  <b>established</b> [2] - 42:17, 86:19  <b>establishing</b> [1] - 145:3  <b>esteemed</b> [1] - 132:8  <b>estimate</b> [1] - 35:23  <b>estimated</b> [1] - 35:20  <b>et</b> [3] - 111:5, 151:1, 155:19  <b>etc</b> [1] - 148:4  <b>evacuation</b> [3] - 89:23, 93:23, 94:14  <b>evaluate</b> [1] - 50:1  <b>evaluation</b> [3] - 140:9, 142:2, 170:20  <b>EVERETT</b> [23] - 6:2, 62:20, 63:6, 65:2, 65:17, 117:18, 138:23, 139:5, 156:5, 157:8, 157:22, 159:2, 159:11, 160:4, 160:7, 160:12, 160:15, 161:4, 161:22, 162:13, 163:17, 164:6, 168:1  <b>Everett</b> [10] - 6:2, 62:20, 65:1, 65:2, 117:18, 156:5, 157:22, 159:2, 161:22, 168:1  <b>everyday</b> [1] - 88:18  <b>everywhere</b> [2] - 15:4, 182:9  <b>evolved</b> [1] - 80:3  <b>exacting</b> [2] - 176:15, 197:3</p>	<p><b>exactly</b> [6] - 12:2, 12:6, 103:12, 104:11, 166:11, 168:23  <b>examine</b> [1] - 19:8  <b>examining</b> [1] - 134:4  <b>example</b> [2] - 17:22, 33:6  <b>exceed</b> [1] - 71:14  <b>except</b> [1] - 102:7  <b>exception</b> [1] - 131:12  <b>exceptions</b> [2] - 80:21, 108:10  <b>excessive</b> [1] - 136:14  <b>exclude</b> [1] - 180:23  <b>excluded</b> [2] - 67:7, 183:19  <b>excludes</b> [1] - 130:23  <b>excluding</b> [1] - 184:22  <b>exclusionary</b> [3] - 143:15, 146:10, 169:3  <b>exclusively</b> [1] - 178:7  <b>excruciating</b> [1] - 186:10  <b>execute</b> [1] - 19:21  <b>execution</b> [1] - 109:15  <b>exercise</b> [2] - 51:15, 108:19  <b>exercised</b> [1] - 69:1  <b>exist</b> [2] - 53:17, 64:11  <b>existence</b> [1] - 112:23  <b>existing</b> [40] - 77:23, 79:6, 79:7, 79:9, 79:11, 79:18, 80:2, 80:6, 80:10, 80:15, 80:18, 80:20, 82:14, 82:20, 83:12, 83:18, 83:20, 84:4, 84:17, 85:16, 87:4, 87:8, 87:10, 87:12, 88:23, 94:20, 95:2, 96:22, 96:23, 97:1, 97:6, 97:22, 98:15, 100:8, 100:20, 102:17, 102:20, 108:14, 109:20, 141:4  <b>exists</b> [4] - 67:18, 81:19, 94:23, 125:5  <b>expand</b> [1] - 35:14  <b>expanded</b> [1] - 96:7  <b>expansion</b> [1] - 16:15  <b>expect</b> [2] - 153:10, 169:4  <b>expectations</b> [1] - 143:2  <b>expected</b> [5] - 144:9, 170:22, 171:13, 172:1, 178:13  <b>expediential</b> [1] -</p>	<p>182:17  <b>experience</b> [3] - 36:4, 90:18, 110:22  <b>experiencing</b> [1] - 98:18  <b>expert</b> [4] - 73:13, 74:11, 89:21, 89:22  <b>experts</b> [2] - 88:13, 142:12  <b>explain</b> [8] - 15:3, 28:2, 54:8, 54:10, 54:11, 85:1, 105:18, 153:23  <b>explained</b> [2] - 31:1, 54:6  <b>exposed</b> [3] - 15:14, 125:4, 137:18  <b>exposure</b> [1] - 13:19  <b>exposures</b> [3] - 111:7, 111:20, 142:21  <b>express</b> [3] - 114:4, 128:7, 128:9  <b>expressed</b> [4] - 55:4, 55:5, 96:17, 131:3  <b>extended</b> [1] - 145:2  <b>extension</b> [1] - 156:1  <b>extensive</b> [2] - 192:18, 192:19  <b>extent</b> [2] - 96:13, 186:8  <b>exterior</b> [2] - 9:12, 17:23  <b>extra</b> [2] - 74:2, 136:16  <b>extraordinarily</b> [1] - 49:8  <b>extremely</b> [1] - 67:19  <b>extruded</b> [1] - 18:16  <b>eye</b> [1] - 146:17</p>	<p>152:6, 169:18, 172:7, 180:22, 185:15, 186:14, 186:23, 187:7, 193:4, 194:15, 194:16  <b>factor</b> [1] - 77:21  <b>faculty</b> [3] - 77:15, 77:17, 78:7  <b>fail</b> [1] - 154:8  <b>failed</b> [12] - 23:10, 43:3, 51:3, 52:15, 64:2, 76:11, 121:7, 121:16, 122:13, 123:3, 123:12, 126:12  <b>failing</b> [1] - 52:13  <b>fails</b> [1] - 34:3  <b>failure</b> [2] - 33:20, 48:20  <b>failures</b> [1] - 25:18  <b>fair</b> [10] - 45:6, 47:21, 49:15, 51:9, 56:6, 65:4, 65:9, 68:20, 135:20, 147:22  <b>fairly</b> [2] - 28:21, 146:21  <b>fall</b> [1] - 166:5  <b>falls</b> [1] - 133:8  <b>familiar</b> [5] - 78:6, 78:12, 160:23, 191:1, 191:23  <b>family</b> [3] - 45:13, 45:18, 62:15  <b>far</b> [8] - 9:19, 33:8, 51:5, 55:7, 62:2, 63:14, 63:19, 174:10  <b>fashions</b> [1] - 124:14  <b>faster</b> [1] - 181:20  <b>fatalities</b> [1] - 90:19  <b>fatality</b> [1] - 90:20  <b>favor</b> [14] - 20:8, 41:21, 41:22, 41:23, 42:1, 42:4, 42:5, 42:7, 42:8, 43:17, 87:20  <b>favorable</b> [1] - 138:8  <b>federal</b> [2] - 133:14, 197:13  <b>Federal</b> [1] - 75:11  <b>feet</b> [3] - 9:15, 16:5  <b>felt</b> [6] - 30:23, 89:18, 113:23, 131:5, 139:17, 186:23  <b>few</b> [1] - 76:7  <b>fiber</b> [2] - 16:22, 149:5  <b>fiberglass</b> [1] - 15:11  <b>fibers</b> [1] - 149:17  <b>field</b> [4] - 18:6, 73:14, 74:11, 138:16</p>	<p><b>fight</b> [1] - 109:8  <b>figure</b> [3] - 12:21, 25:19, 27:5  <b>file</b> [1] - 64:14  <b>filed</b> [3] - 103:5, 122:8, 123:15  <b>files</b> [2] - 13:13, 13:14  <b>fill</b> [1] - 125:2  <b>final</b> [14] - 32:12, 36:21, 37:2, 46:15, 51:23, 57:2, 65:18, 107:9, 142:1, 176:1, 178:10, 179:4, 179:6, 189:19  <b>fine</b> [1] - 148:16  <b>finish</b> [1] - 28:23  <b>fire</b> [42] - 9:11, 9:16, 9:19, 10:18, 11:5, 11:12, 13:5, 13:17, 15:2, 16:1, 16:8, 16:12, 16:20, 18:21, 18:22, 21:8, 31:7, 33:19, 34:13, 34:23, 49:4, 49:8, 49:23, 52:22, 67:21, 73:14, 74:12, 75:21, 83:4, 93:1, 95:5, 105:8, 105:9, 105:19, 105:21, 109:7, 118:18, 137:19, 140:10, 142:21, 164:4, 177:3  <b>Fire</b> [9] - 1:13, 38:5, 72:17, 92:16, 104:21, 105:2, 130:5, 130:18, 147:16  <b>firefighter</b> [1] - 164:18  <b>firefighters</b> [1] - 93:2  <b>fires</b> [2] - 11:18, 93:3  <b>first</b> [37] - 7:4, 8:14, 9:9, 9:10, 21:21, 29:23, 30:22, 31:22, 33:11, 47:17, 50:4, 50:23, 77:3, 77:18, 80:5, 85:5, 88:19, 91:15, 95:9, 115:13, 115:21, 120:14, 122:17, 126:5, 126:8, 134:11, 155:5, 155:6, 155:13, 156:10, 159:5, 166:8, 179:19, 186:1, 186:12, 192:17, 197:6  <b>fits</b> [1] - 83:14  <b>five</b> [16] - 8:21, 32:14, 32:16, 35:21, 40:12, 65:21, 71:10,</p>
<b>F</b>				
<p><b>F1930</b> [1] - 176:6  <b>fabric</b> [4] - 149:3, 149:5, 168:16, 169:21  <b>Fabrics</b> [2] - 119:5, 136:13  <b>fabrics</b> [1] - 143:8  <b>facilitative</b> [1] - 45:4  <b>facilities</b> [4] - 79:18, 80:18, 109:11, 141:16  <b>Facilities</b> [1] - 75:15  <b>facility</b> [2] - 87:12, 110:2  <b>fact</b> [21] - 28:6, 51:21, 57:6, 74:19, 74:23, 88:8, 103:5, 144:18, 145:13, 152:4,</p>				

<p>107:12, 107:13, 119:22, 127:21, 128:3, 137:12, 175:21, 179:7, 179:8 <b>fix</b> [3] - 131:3, 165:21, 184:2 <b>fixed</b> [1] - 127:12 <b>flame</b> [3] - 9:13, 137:17, 140:9 <b>Flash</b> [3] - 130:5, 130:18, 147:16 <b>flash</b> [2] - 137:19, 177:3 <b>flawed</b> [3] - 28:19, 103:7, 103:14 <b>floor</b> [10] - 25:1, 30:7, 30:17, 40:17, 64:18, 75:6, 106:19, 106:22, 122:13, 122:22 <b>flux</b> [1] - 163:2 <b>FM</b> [11] - 6:12, 48:17, 53:8, 53:22, 55:8, 58:2, 59:10, 61:5, 61:16, 64:1, 67:15 <b>foam</b> [5] - 15:15, 15:17, 15:22, 16:9, 16:19 <b>focus</b> [3] - 86:21, 140:22, 159:22 <b>focused</b> [1] - 76:20 <b>folks</b> [4] - 60:19, 173:1, 181:1, 182:7 <b>follow</b> [22] - 59:2, 61:13, 61:20, 62:21, 71:3, 101:12, 119:16, 129:12, 130:9, 149:23, 150:19, 153:18, 155:14, 156:13, 161:10, 164:20, 169:22, 170:1, 170:17, 178:11, 179:20, 190:21 <b>follow-up</b> [4] - 59:2, 61:13, 61:20, 62:21 <b>followed</b> [16] - 27:16, 40:11, 71:7, 91:22, 92:2, 92:9, 119:20, 134:13, 147:23, 156:12, 156:17, 156:20, 157:2, 162:4, 186:3 <b>following</b> [4] - 102:15, 129:13, 141:7, 158:18 <b>foot</b> [3] - 28:1, 33:9, 33:11 <b>force</b> [2] - 79:17, 80:22</p>	<p><b>forcing</b> [1] - 101:1 <b>fore</b> [2] - 103:2, 154:20 <b>foreclosing</b> [1] - 133:3 <b>foregoing</b> [1] - 199:7 <b>foreseen</b> [1] - 131:20 <b>forgot</b> [1] - 29:14 <b>form</b> [4] - 62:23, 113:2, 134:2, 143:1 <b>formalized</b> [1] - 111:3 <b>formally</b> [1] - 100:22 <b>format</b> [3] - 40:9, 71:4, 119:17 <b>formation</b> [1] - 157:23 <b>formed</b> [4] - 139:20, 158:16, 160:2, 185:22 <b>forming</b> [1] - 144:15 <b>forth</b> [2] - 31:18, 197:12 <b>fortunately</b> [1] - 81:17 <b>forward</b> [16] - 18:21, 21:22, 26:15, 50:19, 50:22, 52:12, 63:12, 65:7, 109:18, 110:19, 120:21, 121:2, 121:11, 121:12, 170:12, 193:11 <b>four</b> [12] - 30:3, 30:16, 36:5, 36:9, 123:16, 125:9, 134:6, 141:7, 156:8, 163:22 <b>FPRF</b> [1] - 121:22 <b>FR</b> [1] - 132:5 <b>FRANCIS</b> [5] - 70:12, 116:21, 120:6, 120:13, 127:23 <b>Francis</b> [6] - 70:12, 116:21, 120:3, 120:13, 126:1, 128:7 <b>Francis'</b> [1] - 127:12 <b>frankly</b> [4] - 90:7, 90:15, 121:17, 125:19 <b>free</b> [1] - 59:15 <b>FREITER</b> [1] - 118:22 <b>Freiter</b> [1] - 118:22 <b>front</b> [5] - 41:4, 62:16, 89:6, 91:20, 138:21 <b>full</b> [9] - 30:1, 49:22, 55:23, 63:5, 67:18, 105:22, 142:21, 146:1, 199:7 <b>FULLER</b> [2] - 4:9, 115:17 <b>Fuller</b> [4] - 4:9, 38:17, 115:7, 115:17 <b>fully</b> [6] - 16:18, 16:19, 49:10, 57:12, 68:10,</p>	<p>146:20 <b>function</b> [3] - 81:6, 82:1, 100:15 <b>functions</b> [2] - 81:16, 86:17 <b>fundamentally</b> [2] - 86:11, 143:22 <b>future</b> [3] - 34:19, 159:19, 183:16</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gain</b> [1] - 144:21 <b>GALLAGHER</b> [2] - 5:23, 117:16 <b>Gallagher</b> [2] - 5:23, 117:16 <b>gambit</b> [1] - 67:5 <b>game</b> [1] - 10:11 <b>gap</b> [3] - 21:7, 22:3, 22:12 <b>gaps</b> [1] - 145:2 <b>garment</b> [9] - 154:5, 160:1, 163:4, 177:3, 178:2, 178:4, 178:6, 182:3, 184:5 <b>garments</b> [10] - 137:17, 143:10, 144:4, 166:1, 166:4, 168:18, 170:10, 170:11, 177:22, 180:8 <b>Garments</b> [3] - 130:6, 130:19, 147:16 <b>gary</b> [2] - 8:1, 39:1 <b>Gary</b> [2] - 4:15, 116:9 <b>general</b> [2] - 14:10, 148:14 <b>generally</b> [3] - 145:14, 153:19, 176:12 <b>generated</b> [5] - 92:10, 137:23, 138:11, 138:15, 196:8 <b>generation</b> [1] - 79:6 <b>gentleman</b> [2] - 92:21, 138:23 <b>gentlemen</b> [3] - 73:7, 74:4, 169:14 <b>get-go</b> [1] - 110:18 <b>given</b> [5] - 53:19, 139:20, 140:20, 194:6, 194:17 <b>glass</b> [2] - 16:22 <b>GLEASON</b> [4] - 4:17, 116:15, 129:5, 191:14 <b>Gleason</b> [4] - 4:17, 116:15, 129:5, 191:16</p>	<p><b>global</b> [1] - 131:5 <b>Global</b> [11] - 6:13, 48:18, 53:9, 53:23, 55:8, 58:3, 59:11, 61:6, 61:17, 64:2, 67:16 <b>globally</b> [4] - 132:3, 135:5, 150:10, 187:22 <b>go-around</b> [1] - 27:22 <b>goal</b> [3] - 57:11, 131:10, 158:23 <b>goals</b> [1] - 68:13 <b>golinveaux</b> [1] - 29:20 <b>GOLINVEAUX</b> [7] - 5:13, 29:21, 32:11, 39:8, 106:16, 107:8, 117:6 <b>Golinveaux</b> [7] - 5:14, 29:21, 39:7, 39:9, 106:15, 106:16, 117:6 <b>goods</b> [2] - 132:6, 132:9 <b>government</b> [1] - 197:14 <b>grave</b> [1] - 111:23 <b>great</b> [6] - 75:19, 88:17, 89:5, 147:19, 176:12 <b>greater</b> [1] - 80:17 <b>greg</b> [2] - 6:20, 118:11 <b>griffin's</b> [1] - 76:6 <b>Griffin's</b> [4] - 74:18, 78:18, 89:11, 107:16 <b>ground</b> [4] - 142:18, 155:20, 156:3, 184:15 <b>grounds</b> [1] - 132:15 <b>Group</b> [2] - 38:7, 119:11 <b>group</b> [33] - 8:16, 14:14, 34:23, 45:10, 50:10, 50:12, 64:22, 67:20, 73:13, 74:10, 88:17, 136:18, 139:19, 142:7, 142:11, 143:20, 144:16, 158:1, 158:5, 158:16, 158:17, 160:2, 160:10, 161:10, 161:15, 165:21, 180:5, 181:1, 186:4, 195:13, 195:14 <b>grows</b> [1] - 79:8 <b>guess</b> [5] - 52:11, 59:15, 61:7, 155:14, 194:4 <b>guests</b> [2] - 136:3,</p>	<p>136:5 <b>guidance</b> [4] - 35:6, 104:1, 134:2, 161:16 <b>guide</b> [2] - 46:23, 177:20 <b>Guidelines</b> [1] - 75:13 <b>guy</b> [2] - 7:1, 118:15 <b>guys</b> [4] - 32:2, 92:17, 106:4, 106:10 <b>gypsum</b> [1] - 125:4</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hand</b> [2] - 134:6, 151:12 <b>handed</b> [1] - 51:18 <b>handle</b> [3] - 93:16, 93:17, 166:21 <b>handled</b> [3] - 23:2, 27:14, 64:22 <b>handling</b> [1] - 48:23 <b>happy</b> [1] - 180:20 <b>hard</b> [4] - 19:7, 49:8, 55:19, 89:15 <b>hardship</b> [1] - 104:4 <b>hardware</b> [9] - 81:22, 94:22, 102:4, 109:23, 110:4, 174:20, 175:3, 175:22 <b>Hardware</b> [3] - 38:10, 84:22, 85:9 <b>harm</b> [1] - 64:6 <b>HARRINGTON</b> [2] - 6:20, 118:11 <b>Harrington</b> [2] - 6:20, 118:11 <b>HARTMAN</b> [1] - 119:8 <b>Hartman</b> [1] - 119:8 <b>hazard</b> [1] - 83:11 <b>hazards</b> [1] - 100:20 <b>head</b> [2] - 16:14, 55:12 <b>header</b> [1] - 16:6 <b>headers</b> [1] - 25:19 <b>hear</b> [9] - 6:6, 8:8, 11:2, 56:16, 56:17, 73:1, 134:20, 145:21, 159:14 <b>heard</b> [25] - 20:11, 20:12, 21:19, 22:9, 22:13, 42:10, 43:4, 47:11, 48:5, 48:11, 63:10, 68:20, 90:20, 113:6, 132:10, 139:4, 140:13, 147:3, 147:20, 168:9, 181:18, 186:4, 186:21, 188:3, 196:23</p>
---	--	---	--	--

**Hearing** [1] - 2:2  
**hearing** [67] - 3:2, 3:11, 7:5, 7:8, 7:12, 7:21, 8:5, 9:3, 27:19, 36:17, 37:12, 38:23, 39:5, 39:13, 39:17, 40:9, 44:6, 44:13, 44:15, 47:21, 49:15, 51:9, 54:20, 54:22, 65:4, 65:9, 66:6, 66:8, 67:18, 68:4, 69:7, 69:16, 69:20, 69:21, 70:2, 70:23, 71:5, 71:9, 71:15, 71:22, 73:10, 74:7, 111:4, 112:10, 114:3, 114:6, 114:14, 114:23, 116:1, 116:13, 117:4, 119:17, 122:17, 128:6, 128:19, 128:22, 129:9, 130:8, 139:1, 140:18, 180:9, 189:16, 190:7, 190:9, 190:23, 191:20, 198:14  
**hearings** [2] - 38:15, 67:12  
**heart** [1] - 179:12  
**heat** [2] - 163:2, 174:22  
**held** [1] - 25:8  
**hell** [1] - 25:22  
**help** [9] - 32:3, 58:10, 93:1, 110:18, 138:4, 151:8, 154:20, 161:18, 163:17  
**helps** [3] - 11:13, 26:1, 177:21  
**hence** [1] - 64:10  
**hereby** [1] - 199:6  
**hide** [1] - 109:8  
**high** [5] - 9:15, 94:12, 100:9, 164:23, 174:9  
**higher** [1] - 143:3  
**highlight** [1] - 21:17  
**himself** [3] - 54:7, 54:11, 54:16  
**hinged** [1] - 121:20  
**hired** [2] - 45:19, 66:8  
**historically** [1] - 172:1  
**history** [1] - 111:20  
**hit** [2] - 146:17  
**hold** [1] - 157:1  
**holder** [1] - 158:14  
**holds** [1] - 15:19  
**hope** [2] - 98:5, 98:6  
**horizontal** [6] - 9:13, 15:20, 16:4, 25:15,

25:20, 33:11  
**host** [1] - 131:8  
**houses** [3] - 169:11, 169:16, 169:20  
**huge** [3] - 36:6, 36:15, 145:11  
**Huges** [1] - 30:21  
**HUGHES** [1] - 5:5  
**Hughes** [3] - 5:6, 29:17, 32:19  
**Hugo's** [1] - 123:21  
**hundred** [2] - 13:21, 80:13  
**hundreds** [1] - 13:5  
**hundreds** [7] - 13:5, 13:13, 33:18, 34:13, 35:16

**I**

**IAFF** [1] - 137:8  
**IBC** [5] - 13:3, 13:8, 24:5, 24:7, 79:1  
**ICC** [4] - 24:15, 24:18, 24:23, 25:7  
**ICC's** [1] - 121:22  
**IDC** [2] - 9:9, 9:10  
**idea** [2] - 21:15, 58:18  
**ideal** [1] - 197:15  
**ideas** [1] - 120:23  
**identical** [3] - 168:23, 182:11, 184:4  
**identification** [1] - 150:23  
**identified** [4] - 94:8, 98:4, 142:9, 155:3  
**identifies** [1] - 177:21  
**Identify** [1] - 19:18  
**identify** [3] - 29:15, 154:22, 156:23  
**ignore** [3] - 76:18, 77:12, 112:20  
**ignored** [1] - 76:21  
**immediately** [1] - 83:4  
**imminent** [1] - 83:7  
**impact** [7] - 21:16, 61:14, 68:23, 133:4, 135:2, 135:3, 187:20  
**impacts** [2] - 113:12, 131:1  
**imperative** [1] - 25:2  
**imperfectly** [1] - 62:6  
**implausible** [1] - 107:21  
**implementation** [1] - 109:14  
**implemented** [1] - 161:12  
**implication** [1] - 85:23

**implications** [1] - 157:6  
**importance** [1] - 86:3  
**important** [13] - 77:21, 91:3, 102:11, 121:9, 124:10, 144:1, 145:6, 171:7, 176:17, 188:18, 189:18, 194:3, 197:17  
**importantly** [3] - 56:17, 124:21, 125:18  
**impose** [2] - 68:2, 130:20  
**imposing** [1] - 183:10  
**imposition** [1] - 104:3  
**improved** [1] - 175:8  
**improvement** [3] - 89:4, 91:5, 189:2  
**improving** [2] - 132:1, 140:1  
**inaccurate** [1] - 107:19  
**inappropriate** [6] - 57:20, 57:22, 58:23, 60:21, 112:13, 141:6  
**inch** [2] - 21:8, 22:2  
**inches** [3] - 21:9, 28:10, 28:11  
**incidents** [3] - 99:22, 109:10, 112:12  
**include** [8] - 48:12, 48:13, 53:6, 62:11, 63:18, 66:11, 67:1, 67:2  
**included** [6] - 74:23, 150:20, 150:21, 164:18, 180:5, 184:1  
**includes** [1] - 89:2  
**including** [4] - 66:11, 124:15, 137:8, 150:14  
**inclusion** [2] - 50:2, 163:11  
**inconsistent** [4] - 22:17, 68:6, 138:18, 139:13  
**inconvenience** [2] - 106:21, 107:4  
**incorporate** [1] - 94:14  
**Incorporated** [1] - 143:20  
**incorrect** [2] - 87:3, 127:7  
**increased** [1] - 22:12  
**indeed** [1] - 144:2  
**independent** [4] - 121:8, 123:5,

163:15, 187:13  
**independently** [1] - 148:8  
**indicate** [2] - 38:14, 152:9  
**indicated** [5] - 44:9, 143:3, 193:13, 193:22, 196:7  
**indicates** [1] - 45:16  
**indication** [2] - 59:7, 177:6  
**individual** [5] - 45:10, 47:6, 71:12, 192:7, 197:12  
**individuals** [4] - 37:14, 127:6, 178:14, 178:23  
**indulgence** [1] - 195:21  
**industries** [2] - 20:20, 152:3  
**industry** [5] - 9:5, 21:22, 35:9, 142:12, 143:6  
**Industry** [4] - 6:17, 14:17, 19:16, 19:22  
**influence** [2] - 52:1, 74:17  
**influenced** [3] - 76:7, 78:14, 78:19  
**information** [27] - 50:8, 50:18, 62:2, 69:13, 69:17, 86:12, 99:23, 100:6, 114:6, 114:13, 126:6, 128:16, 141:3, 150:7, 154:16, 154:22, 155:2, 155:18, 155:21, 157:18, 165:9, 167:1, 177:19, 179:3, 198:5, 198:13  
**informational** [1] - 127:10  
**informed** [2] - 84:1, 108:17  
**inherent** [1] - 188:23  
**initial** [2] - 46:6, 66:4  
**injury** [9] - 133:23, 143:7, 170:19, 170:23, 173:14, 174:15, 175:1, 177:12, 182:17  
**input** [14] - 21:7, 50:16, 91:15, 110:15, 120:22, 148:4, 155:19, 158:13, 159:4, 159:10, 159:13, 159:17, 180:6

**inputs** [1] - 156:3  
**inserted** [1] - 35:4  
**inside** [4] - 9:17, 81:8, 81:21, 105:10  
**installation** [3] - 21:11, 80:4, 101:21  
**installations** [1] - 79:14  
**installed** [7] - 14:22, 79:20, 80:16, 81:13, 101:8, 101:20  
**instance** [2] - 22:2, 100:9  
**instances** [2] - 79:8, 108:12  
**instead** [2] - 53:21, 104:17  
**Institute** [4] - 37:22, 86:9, 112:7, 119:13  
**institute** [1] - 26:9  
**instituted** [1] - 173:3  
**instructions** [4] - 150:17, 151:7, 151:8, 182:4  
**instrument** [1] - 140:11  
**instrumental** [1] - 87:5  
**instrumentation** [2] - 167:17, 175:18  
**insulation** [2] - 15:15, 18:1  
**insult** [1] - 102:2  
**Intech** [1] - 5:9  
**integral** [1] - 121:14  
**integrity** [1] - 44:23  
**intend** [1] - 112:14  
**intended** [7] - 52:22, 63:17, 68:9, 97:16, 99:10, 178:18, 186:7  
**intends** [1] - 194:19  
**intense** [1] - 16:12  
**intent** [7] - 67:20, 102:23, 103:22, 132:20, 155:21, 168:4, 193:16  
**intention** [1] - 55:14  
**intercommittee** [1] - 96:20  
**interest** [6] - 20:22, 45:10, 51:10, 73:13, 74:10, 129:16  
**interested** [1] - 183:3  
**interesting** [4] - 110:20, 110:21, 162:22, 185:16  
**interestingly** [1] - 195:4  
**interior** [1] - 17:23  
**internal** [2] - 26:12,

27:10  
**international** [2] - 78:22, 87:9  
**International** [13] - 87:1, 87:6, 87:13, 118:3, 143:19, 151:16, 176:9, 185:10, 191:4, 191:10, 192:4, 196:14, 196:21  
**Internet** [1] - 37:20  
**interpretation** [2] - 174:22, 176:20  
**interpretations** [1] - 194:18  
**interpreted** [1] - 177:7  
**interrelatedness** [1] - 122:16  
**interrupt** [1] - 29:14  
**interruptions** [1] - 3:23  
**intertwined** [1] - 121:4  
**intimately** [1] - 78:5  
**introduce** [3] - 3:6, 114:18, 131:8  
**introduced** [6] - 32:9, 37:17, 70:10, 143:8, 181:12, 190:12  
**introduces** [1] - 16:4  
**introduction** [3] - 155:12, 156:14, 190:13  
**introductions** [4] - 4:1, 7:4, 37:15, 115:11  
**invented** [1] - 35:19  
**invite** [1] - 135:13  
**involve** [1] - 82:22  
**involved** [8] - 36:1, 87:3, 110:17, 112:17, 144:15, 160:17, 169:23, 186:7  
**involves** [1] - 9:14  
**IOSH** [1] - 137:8  
**Island** [4] - 38:5, 72:17, 92:15, 104:21  
**ISO** [4] - 144:21, 149:7, 164:19, 189:5  
**issuance** [2] - 194:7, 198:1  
**issue** [53] - 20:16, 20:23, 23:2, 26:21, 30:21, 31:13, 32:19, 52:14, 53:3, 53:12, 58:15, 62:13, 82:18, 85:14, 86:3, 88:14, 92:7, 96:18, 96:20, 96:21, 97:21, 98:3, 106:21, 106:22,

112:20, 112:21, 120:2, 123:18, 124:16, 126:21, 128:10, 132:17, 134:5, 134:6, 136:14, 136:18, 138:6, 139:16, 145:11, 147:18, 157:17, 158:23, 159:6, 166:9, 166:13, 173:8, 179:12, 179:17, 182:23, 191:7, 195:4, 196:9  
**issued** [8] - 36:22, 37:3, 69:10, 114:10, 128:13, 158:14, 189:22, 198:10  
**issues** [27] - 20:13, 27:15, 31:20, 33:23, 48:19, 55:22, 55:23, 82:23, 86:21, 91:23, 123:4, 130:18, 131:9, 131:13, 135:11, 136:21, 140:23, 142:6, 146:5, 146:8, 152:6, 158:11, 172:23, 179:18, 185:5, 186:22, 187:6  
**issuing** [2] - 195:6, 196:12  
**it's..** [1] - 23:14  
**Item** [1] - 190:8  
**item** [34] - 7:6, 7:19, 8:3, 20:18, 37:12, 39:3, 39:11, 49:4, 49:17, 51:21, 56:3, 64:3, 64:4, 70:21, 89:1, 94:9, 95:18, 115:21, 115:22, 116:11, 117:2, 126:12, 129:7, 132:18, 142:1, 150:20, 156:2, 158:8, 161:2, 165:12, 180:2, 180:8, 190:21, 191:18  
**itemized** [1] - 150:23  
**items** [9] - 51:3, 52:12, 53:21, 58:9, 70:3, 126:7, 129:14, 134:3, 135:12  
**itself** [10] - 26:23, 27:11, 76:1, 98:11, 163:23, 167:12, 167:17, 174:20, 175:18, 195:16

**J**

**James** [9] - 4:11, 5:13, 29:21, 39:9, 52:10, 115:19, 140:4, 161:8, 173:12  
**james** [3] - 117:6, 153:5, 170:16  
**jamming** [3] - 90:3, 104:11, 104:18  
**jams** [1] - 16:14  
**Jan** [1] - 61:6  
**January** [2] - 25:5, 34:12  
**Javier** [2] - 5:3, 17:12  
**javier** [1] - 35:13  
**Jeff** [11] - 43:23, 44:1, 58:7, 61:8, 61:23, 118:2, 123:20, 123:23, 176:9, 185:9  
**jeffrey** [1] - 151:14  
**Jeffrey** [7] - 143:18, 151:16, 191:3, 191:9, 192:3, 196:13, 196:20  
**Jensen** [3] - 5:6, 29:16, 32:18  
**Jenson** [1] - 30:20  
**jeopardize** [3] - 93:8, 93:19, 93:22  
**Jess** [1] - 30:20  
**Jesse** [4] - 5:5, 29:16, 29:22, 32:18  
**Jim** [3] - 7:11, 106:16, 126:3  
**job** [2] - 49:12, 137:19  
**jobs** [1] - 106:1  
**john** [6] - 53:8, 53:22, 58:2, 61:5, 64:1, 117:12  
**John** [20] - 5:19, 6:12, 38:8, 48:17, 55:8, 59:10, 60:20, 61:16, 67:15, 72:10, 76:22, 77:20, 84:20, 99:2, 99:14, 110:9, 119:1, 167:10, 167:13, 175:10  
**John's** [6] - 76:17, 76:20, 77:3, 77:9, 78:13, 78:16  
**JOHNSTON** [5] - 5:21, 6:16, 19:15, 19:20, 117:14  
**Johnston** [4] - 5:21, 6:16, 19:21, 117:14  
**joining** [1] - 116:4  
**joint** [15] - 10:5, 12:17, 13:10, 16:4, 18:8,

23:8, 23:9, 25:20, 33:4, 33:5, 33:7, 33:8, 33:21, 34:2  
**joints** [39] - 10:2, 10:7, 10:12, 10:16, 10:21, 11:6, 11:8, 11:12, 11:15, 12:2, 12:4, 12:13, 13:6, 14:2, 14:3, 14:20, 15:20, 16:15, 16:16, 17:17, 17:21, 18:1, 18:3, 18:23, 19:1, 23:19, 23:20, 23:21, 27:3, 27:9, 27:23, 29:10, 32:21, 32:22, 32:23, 33:13, 34:9, 35:3  
**judgment** [2] - 84:5, 84:7  
**June** [3] - 73:20, 74:15, 80:14  
**jurisdiction** [1] - 93:13  
**justification** [7] - 79:17, 80:22, 101:4, 134:19, 134:23, 162:16, 186:19

**K**

**keep** [7] - 14:6, 129:19, 170:5, 173:8, 180:9, 192:5, 195:15  
**keeper** [1] - 136:1  
**keeping** [1] - 195:12  
**KEITH** [4] - 4:15, 8:1, 39:1, 116:9  
**Keith** [8] - 4:15, 7:23, 8:1, 38:23, 39:1, 73:8, 74:5, 116:9  
**Kellen** [4] - 38:9, 72:11, 84:21, 85:1  
**Kenneth** [1] - 60:22  
**KENNETH** [1] - 29:7  
**kenneth** [3] - 5:17, 70:19, 117:10  
**Kerry** [2] - 3:3, 114:15  
**key** [7] - 48:19, 81:7, 94:9, 134:3, 140:22, 160:22, 185:4  
**killed** [1] - 112:12  
**kind** [5] - 10:5, 49:21, 169:3, 180:21, 185:4  
**kinds** [2] - 152:6, 187:19  
**knowledge** [2] - 75:22, 139:17  
**known** [3] - 43:23, 58:13, 162:23  
**knows** [5] - 26:1,

56:13, 108:5, 113:15  
**KOFFEL** [7] - 6:18, 20:4, 71:19, 87:23, 94:5, 107:1, 113:4  
**koffel** [2] - 27:13, 112:4  
**Koffel** [12] - 6:18, 20:4, 23:4, 71:16, 87:17, 94:3, 94:6, 106:17, 107:1  
**kosher** [1] - 31:3  
**Kristen** [1] - 118:22  
**kurt** [4] - 38:11, 72:14, 91:7, 103:17

**L**

**Lab** [1] - 147:15  
**lab** [31] - 21:14, 36:3, 136:15, 143:3, 143:9, 143:13, 143:17, 149:2, 149:6, 149:10, 149:11, 163:18, 163:19, 166:4, 166:17, 166:19, 166:21, 171:14, 175:5, 180:19, 181:15, 181:16, 184:10, 184:11, 184:23  
**lab-to-lab** [1] - 166:21  
**label** [1] - 187:11  
**laboratories** [20] - 130:23, 141:8, 141:10, 141:11, 141:13, 141:15, 149:19, 150:13, 151:23, 152:20, 153:1, 159:7, 171:16, 183:5, 183:6, 185:17, 188:4, 192:10, 193:14, 197:21  
**laboratory** [27] - 135:5, 143:11, 143:12, 150:5, 150:9, 150:18, 150:23, 152:9, 152:11, 152:14, 153:7, 161:20, 166:1, 169:19, 171:21, 174:10, 174:13, 183:12, 183:20, 184:13, 185:3, 185:12, 185:13, 188:4, 193:12, 193:19, 194:23  
**labs** [14] - 19:6, 27:4,

<p>27:6, 35:17, 35:21, 36:3, 36:9, 138:18, 140:2, 146:20, 146:23, 158:21, 167:6, 184:5</p> <p><b>lack</b> [3] - 32:22, 144:12, 186:15</p> <p><b>ladies</b> [2] - 73:7, 74:4</p> <p><b>lag</b> [1] - 36:15</p> <p><b>landmark</b> [1] - 104:9</p> <p><b>language</b> [24] - 17:15, 18:9, 23:8, 23:9, 23:12, 23:18, 23:19, 26:23, 31:5, 33:2, 58:12, 64:7, 82:16, 95:10, 95:15, 96:4, 96:6, 97:10, 97:18, 99:4, 99:15, 103:23, 104:13, 139:21</p> <p><b>laptops</b> [1] - 90:9</p> <p><b>large</b> [3] - 121:21, 171:7, 197:8</p> <p><b>larger</b> [1] - 182:18</p> <p><b>largest</b> [2] - 137:16, 164:16</p> <p><b>last</b> [19] - 9:7, 13:2, 13:21, 27:19, 37:15, 44:4, 54:21, 54:22, 61:9, 67:22, 101:9, 113:16, 165:6, 174:12, 175:5, 175:19, 175:21, 190:13, 196:23</p> <p><b>Lastly</b> [1] - 187:20</p> <p><b>latching</b> [1] - 81:15</p> <p><b>late</b> [1] - 26:3</p> <p><b>latest</b> [1] - 24:10</p> <p><b>laundry</b> [1] - 89:1</p> <p><b>law</b> [3] - 76:1, 134:2, 134:7</p> <p><b>layers</b> [1] - 33:14</p> <p><b>laying</b> [2] - 155:20, 156:3</p> <p><b>Le</b> [3] - 58:2, 61:5, 61:16</p> <p><b>lead</b> [5] - 8:16, 32:17, 65:8, 138:19, 139:13</p> <p><b>leader</b> [1] - 140:8</p> <p><b>leads</b> [1] - 144:12</p> <p><b>leap</b> [1] - 111:21</p> <p><b>learned</b> [1] - 176:10</p> <p><b>learning</b> [1] - 110:21</p> <p><b>least</b> [5] - 56:9, 56:16, 125:14, 171:1, 192:10</p> <p><b>leave</b> [4] - 28:22, 86:5, 146:6, 157:7</p> <p><b>leBlanc</b> [2] - 63:22, 64:1</p> <p><b>LeBlanc</b> [35] - 6:12,</p>	<p>40:1, 40:4, 46:1, 48:16, 48:17, 50:11, 50:15, 53:8, 53:22, 54:11, 54:15, 55:7, 55:8, 57:5, 57:20, 58:2, 59:3, 59:10, 60:20, 60:23, 61:5, 61:16, 64:1, 65:13, 67:14, 67:15, 69:22</p> <p><b>LeBlanc's</b> [1] - 60:13</p> <p><b>led</b> [1] - 136:6</p> <p><b>left</b> [1] - 83:19</p> <p><b>legislatively</b> [1] - 150:21</p> <p><b>length</b> [3] - 91:19, 103:20, 192:21</p> <p><b>lengthy</b> [1] - 50:19</p> <p><b>less</b> [6] - 15:1, 16:9, 18:13, 22:13, 22:15, 123:10</p> <p><b>letter</b> [1] - 25:21</p> <p><b>level</b> [10] - 67:23, 68:14, 94:13, 98:10, 164:23, 174:9, 176:15, 185:18, 186:10, 197:16</p> <p><b>levels</b> [4] - 58:9, 68:18, 178:14, 189:11</p> <p><b>lever</b> [1] - 77:4</p> <p><b>liability</b> [2] - 106:5, 187:5</p> <p><b>liaison</b> [11] - 44:18, 44:19, 45:2, 45:7, 45:12, 61:3, 61:6, 61:23, 62:4, 62:17, 65:12</p> <p><b>liberations</b> [1] - 58:1</p> <p><b>lie</b> [1] - 134:10</p> <p><b>life</b> [8] - 15:1, 19:17, 20:2, 82:23, 85:14, 89:22, 93:19, 109:6</p> <p><b>life-safety</b> [1] - 82:23</p> <p><b>light</b> [1] - 192:9</p> <p><b>likely</b> [6] - 57:19, 74:17, 78:15, 80:14, 159:22, 194:9</p> <p><b>limit</b> [2] - 94:18, 97:19</p> <p><b>limited</b> [3] - 97:8, 159:23, 193:19</p> <p><b>limits</b> [3] - 71:14, 113:7, 113:8</p> <p><b>linda</b> [2] - 4:9, 115:17</p> <p><b>Linda</b> [2] - 38:17, 115:7</p> <p><b>line</b> [8] - 18:4, 33:7, 49:4, 51:3, 64:2, 64:4, 81:3, 169:20</p> <p><b>lined</b> [1] - 137:6</p> <p><b>Lisa</b> [1] - 119:8</p>	<p><b>list</b> [7] - 89:1, 97:3, 97:4, 97:6, 97:14, 107:6, 158:20</p> <p><b>listed</b> [1] - 49:2</p> <p><b>listen</b> [1] - 52:2</p> <p><b>literally</b> [2] - 81:12, 90:10</p> <p><b>lives</b> [2] - 93:5, 93:8</p> <p><b>lobbied</b> [1] - 59:7</p> <p><b>location</b> [3] - 17:18, 27:3, 29:10</p> <p><b>locations</b> [3] - 13:7, 18:9, 19:2</p> <p><b>lock</b> [8] - 77:4, 81:2, 81:4, 83:5, 93:16, 102:7, 102:17, 102:18</p> <p><b>locking</b> [27] - 73:21, 74:16, 76:19, 77:2, 77:8, 80:12, 82:20, 83:3, 83:10, 84:6, 84:11, 90:3, 93:7, 93:21, 94:14, 102:5, 102:12, 102:14, 103:6, 103:7, 103:10, 103:14, 105:14, 106:6, 107:22, 108:4, 109:3</p> <p><b>locks</b> [4] - 81:9, 81:21, 93:4, 105:4</p> <p><b>look</b> [21] - 10:20, 19:8, 26:22, 31:10, 34:18, 35:1, 36:10, 45:14, 46:15, 46:17, 60:17, 62:7, 63:3, 68:17, 89:8, 105:5, 134:3, 146:23, 173:2, 173:23, 187:9</p> <p><b>looked</b> [4] - 121:12, 121:13, 170:21, 171:2</p> <p><b>looking</b> [10] - 23:17, 34:19, 108:16, 110:10, 125:16, 147:3, 154:17, 163:22, 163:23, 181:4</p> <p><b>looks</b> [2] - 49:23, 127:11</p> <p><b>loopholes</b> [2] - 165:18, 165:21</p> <p><b>Lorraine</b> [2] - 5:9, 18:12</p> <p><b>lose</b> [4] - 24:23, 25:13, 25:14, 148:18</p> <p><b>lost</b> [1] - 30:17</p> <p><b>lower</b> [5] - 9:16, 172:12, 172:13, 172:15</p> <p><b>lunch</b> [1] - 90:11</p>	<p><b>lunchtime</b> [1] - 195:22</p> <p><b>LYDON</b> [2] - 118:10, 119:3</p> <p><b>Lydon</b> [2] - 118:10, 119:3</p>	<p>31:1</p> <p><b>manufacturers</b> [8] - 13:15, 18:16, 81:3, 81:4, 88:15, 147:1, 147:5, 158:22</p> <p><b>Manufacturers</b> [2] - 14:17, 84:23</p> <p><b>Manufacturing</b> [1] - 38:10</p> <p><b>mark</b> [2] - 33:11, 169:6</p> <p><b>market</b> [9] - 95:4, 132:2, 132:5, 132:6, 132:9, 132:14, 133:3, 133:7, 138:10</p> <p><b>marketing</b> [2] - 132:12, 181:5</p> <p><b>marketplace</b> [5] - 132:6, 144:1, 144:10, 145:9, 178:20</p> <p><b>marshal</b> [2] - 93:1, 105:19</p> <p><b>Marshal's</b> [2] - 38:5, 72:17</p> <p><b>marshals</b> [1] - 105:22</p> <p><b>Marshals</b> [2] - 92:16, 104:21</p> <p><b>mary</b> [1] - 118:4</p> <p><b>Mary</b> [1] - 190:16</p> <p><b>mass</b> [1] - 35:8</p> <p><b>material</b> [12] - 15:12, 15:18, 16:22, 17:2, 125:3, 125:5, 155:12, 156:15, 156:23, 162:5, 162:9, 162:12</p> <p><b>materially</b> [2] - 174:12, 175:4</p> <p><b>materials</b> [9] - 10:8, 11:1, 34:8, 142:8, 142:10, 150:22, 152:2, 166:3</p> <p><b>math</b> [2] - 36:8, 173:1</p> <p><b>matter</b> [22] - 7:10, 7:22, 8:6, 8:14, 34:4, 34:5, 39:4, 39:6, 39:14, 62:23, 71:1, 116:2, 116:14, 117:5, 128:23, 129:10, 129:16, 142:12, 156:9, 182:16, 191:21, 199:10</p> <p><b>maxed</b> [2] - 88:11, 88:12</p> <p><b>MAYNARD</b> [2] - 118:4, 190:16</p> <p><b>Maynard</b> [2] - 118:4, 190:16</p> <p><b>mean</b> [10] - 24:18,</p>
<b>M</b>				
<p><b>MA</b> [1] - 1:15</p> <p><b>ma'am</b> [1] - 159:9</p> <p><b>magically</b> [1] - 79:15</p> <p><b>MAHONEY</b> [2] - 70:14, 118:20</p> <p><b>Mahoney</b> [2] - 70:14, 118:20</p> <p><b>main</b> [6] - 17:8, 17:13, 44:11, 45:12, 54:13, 56:9</p> <p><b>maintain</b> [1] - 45:5</p> <p><b>maintenance</b> [1] - 79:4</p> <p><b>major</b> [3] - 13:18, 179:18, 179:19</p> <p><b>majority</b> [2] - 126:14, 126:15</p> <p><b>manage</b> [1] - 42:20</p> <p><b>management</b> [1] - 85:2</p> <p><b>manager</b> [1] - 139:15</p> <p><b>managers</b> [4] - 137:19, 138:3, 138:16, 166:22</p> <p><b>managing</b> [1] - 43:5</p> <p><b>mandatory</b> [3] - 104:3, 132:4, 187:14</p> <p><b>maneuver</b> [1] - 90:12</p> <p><b>manikin</b> [18] - 130:22, 135:6, 136:16, 137:1, 138:1, 138:9, 138:14, 139:23, 140:12, 143:9, 143:11, 149:6, 150:3, 163:5, 173:17, 174:20, 174:23, 175:4</p> <p><b>manikins</b> [1] - 173:19</p> <p><b>MANLEY</b> [7] - 4:13, 24:2, 24:8, 25:10, 26:5, 26:20, 116:7</p> <p><b>Manley</b> [3] - 4:13, 24:2, 116:7</p> <p><b>manner</b> [5] - 11:23, 12:1, 14:4, 44:20, 45:3</p> <p><b>manufacture</b> [1] - 14:22</p> <p><b>manufacturer</b> [3] - 10:10, 17:16, 137:17</p> <p><b>manufacturer's</b> [1] -</p>	<p><b>MA</b> [1] - 1:15</p> <p><b>ma'am</b> [1] - 159:9</p> <p><b>magically</b> [1] - 79:15</p> <p><b>MAHONEY</b> [2] - 70:14, 118:20</p> <p><b>Mahoney</b> [2] - 70:14, 118:20</p> <p><b>main</b> [6] - 17:8, 17:13, 44:11, 45:12, 54:13, 56:9</p> <p><b>maintain</b> [1] - 45:5</p> <p><b>maintenance</b> [1] - 79:4</p> <p><b>major</b> [3] - 13:18, 179:18, 179:19</p> <p><b>majority</b> [2] - 126:14, 126:15</p> <p><b>manage</b> [1] - 42:20</p> <p><b>management</b> [1] - 85:2</p> <p><b>manager</b> [1] - 139:15</p> <p><b>managers</b> [4] - 137:19, 138:3, 138:16, 166:22</p> <p><b>managing</b> [1] - 43:5</p> <p><b>mandatory</b> [3] - 104:3, 132:4, 187:14</p> <p><b>maneuver</b> [1] - 90:12</p> <p><b>manikin</b> [18] - 130:22, 135:6, 136:16, 137:1, 138:1, 138:9, 138:14, 139:23, 140:12, 143:9, 143:11, 149:6, 150:3, 163:5, 173:17, 174:20, 174:23, 175:4</p> <p><b>manikins</b> [1] - 173:19</p> <p><b>MANLEY</b> [7] - 4:13, 24:2, 24:8, 25:10, 26:5, 26:20, 116:7</p> <p><b>Manley</b> [3] - 4:13, 24:2, 116:7</p> <p><b>manner</b> [5] - 11:23, 12:1, 14:4, 44:20, 45:3</p> <p><b>manufacture</b> [1] - 14:22</p> <p><b>manufacturer</b> [3] - 10:10, 17:16, 137:17</p> <p><b>manufacturer's</b> [1] -</p>			

<p>31:16, 59:23, 62:23, 66:20, 102:2, 111:23, 112:16, 149:10</p> <p><b>meaningful</b> [1] - 137:21</p> <p><b>means</b> [14] - 77:2, 84:6, 87:12, 95:9, 95:23, 96:6, 102:15, 102:16, 107:23, 112:8, 129:14, 144:7, 146:18, 187:16</p> <p><b>Means</b> [1] - 104:22</p> <p><b>meant</b> [1] - 104:15</p> <p><b>measure</b> [1] - 121:21</p> <p><b>measures</b> [1] - 168:16</p> <p><b>mechanical</b> [1] - 169:8</p> <p><b>mechanism</b> [4] - 93:22, 105:15, 106:6, 164:20</p> <p><b>mechanisms</b> [2] - 93:7, 100:2</p> <p><b>medical</b> [1] - 171:4</p> <p><b>medicine</b> [1] - 171:3</p> <p><b>meet</b> [12] - 13:22, 25:12, 79:19, 82:1, 150:9, 153:11, 153:15, 170:11, 180:19, 181:20, 183:12, 188:4</p> <p><b>meeting</b> [46] - 22:21, 28:8, 28:9, 28:20, 29:4, 30:15, 31:19, 32:10, 36:20, 41:11, 43:15, 43:17, 44:1, 44:12, 44:18, 45:12, 45:23, 46:5, 48:23, 51:12, 51:16, 54:12, 54:17, 55:5, 55:10, 58:21, 59:16, 60:1, 60:3, 60:6, 68:19, 96:19, 110:13, 110:14, 110:15, 121:10, 123:1, 137:4, 137:10, 148:2, 152:13, 158:9, 158:17, 181:17, 189:21</p> <p><b>MEETING</b> [1] - 1:5</p> <p><b>meetings</b> [2] - 55:11, 91:11</p> <p><b>meets</b> [1] - 67:23</p> <p><b>melting</b> [1] - 16:23</p> <p><b>melts</b> [1] - 15:17</p> <p><b>member</b> [90] - 4:11, 4:13, 4:15, 4:18, 4:19, 4:22, 5:12, 5:14, 5:15, 5:17,</p>	<p>5:19, 5:22, 7:18, 7:20, 8:1, 8:4, 20:5, 21:13, 24:2, 29:7, 29:22, 39:1, 39:9, 39:12, 44:10, 45:18, 51:12, 51:19, 52:10, 54:5, 56:21, 57:15, 60:15, 60:22, 63:8, 63:21, 68:15, 69:12, 70:19, 70:22, 86:14, 88:3, 91:8, 92:5, 99:2, 99:20, 101:14, 103:18, 104:22, 104:23, 106:17, 112:16, 114:12, 115:19, 115:23, 116:7, 116:9, 116:12, 116:16, 116:18, 116:20, 117:1, 117:3, 117:7, 117:8, 117:10, 117:12, 117:15, 121:13, 129:1, 129:6, 129:8, 130:5, 131:16, 136:13, 140:14, 144:19, 148:22, 150:12, 154:13, 160:22, 164:8, 164:22, 174:3, 174:17, 175:2, 190:1, 191:16, 191:19, 198:12</p> <p><b>Member</b> [1] - 7:11</p> <p><b>Members</b> [3] - 6:17, 19:16, 19:22</p> <p><b>members</b> [19] - 7:16, 8:12, 9:2, 9:5, 27:4, 31:7, 44:8, 45:13, 46:19, 59:7, 60:9, 62:15, 70:18, 71:8, 126:16, 129:4, 129:12, 137:12, 145:1</p> <p><b>membership</b> [3] - 20:11, 64:19, 158:17</p> <p><b>mention</b> [1] - 130:1</p> <p><b>mentioned</b> [9] - 35:15, 56:22, 80:13, 154:15, 160:16, 162:2, 163:11, 164:14, 170:18</p> <p><b>mercantile</b> [2] - 95:22, 110:13</p> <p><b>merit</b> [1] - 194:11</p> <p><b>mesh</b> [3] - 15:11, 15:13, 16:21</p> <p><b>messaging</b> [1] - 132:13</p> <p><b>met</b> [5] - 96:15,</p>	<p>102:16, 108:19, 143:17, 187:12</p> <p><b>metamorphosis</b> [1] - 192:18</p> <p><b>meters</b> [2] - 173:21, 173:22</p> <p><b>method</b> [40] - 22:7, 68:20, 131:15, 138:12, 140:9, 140:21, 141:2, 145:14, 151:18, 152:12, 153:20, 154:6, 154:10, 161:17, 163:1, 163:21, 165:19, 168:15, 168:20, 169:8, 170:6, 172:17, 173:4, 177:4, 177:12, 177:17, 179:20, 180:10, 180:11, 182:13, 187:1, 188:16, 188:20, 188:21, 189:4, 189:12, 194:18, 195:18</p> <p><b>methodologies</b> [1] - 197:4</p> <p><b>methods</b> [10] - 145:3, 145:6, 145:8, 152:4, 176:13, 184:18, 192:20, 197:18, 197:19</p> <p><b>MICHAEL</b> [1] - 37:20</p> <p><b>Michael</b> [3] - 116:17, 119:4, 164:21</p> <p><b>michael</b> [1] - 157:13</p> <p><b>Michele</b> [6] - 4:7, 69:11, 114:11, 115:16, 128:14, 198:11</p> <p><b>microphone</b> [1] - 20:9</p> <p><b>microphone)</b> [1] - 73:21</p> <p><b>might</b> [11] - 12:23, 83:6, 100:14, 105:8, 109:9, 110:11, 113:19, 123:8, 164:1, 183:16, 193:1</p> <p><b>Mike</b> [4] - 63:8, 63:21, 136:11, 175:2</p> <p><b>mike</b> [6] - 4:19, 5:21, 117:14, 164:8, 174:3, 174:17</p> <p><b>million</b> [3] - 80:15, 80:20, 84:17</p> <p><b>mind</b> [7] - 56:19, 59:20, 69:3, 74:2, 79:12, 136:7, 179:15</p> <p><b>minds</b> [1] - 52:6</p>	<p><b>minimize</b> [3] - 131:4, 161:18, 181:2</p> <p><b>minimum</b> [8] - 125:15, 177:23, 178:12, 178:13, 189:9, 189:10, 189:11, 197:16</p> <p><b>minus</b> [3] - 28:1, 180:16, 182:3</p> <p><b>minute</b> [6] - 18:14, 32:16, 74:2, 76:3, 83:19, 129:20</p> <p><b>minutes</b> [24] - 8:17, 8:22, 17:7, 18:20, 28:20, 32:14, 40:9, 40:12, 65:21, 71:6, 71:10, 107:12, 107:13, 119:18, 119:22, 127:21, 129:15, 129:18, 135:21, 135:22, 155:19, 158:9, 179:7, 179:8</p> <p><b>misleading</b> [1] - 142:15</p> <p><b>missed</b> [2] - 164:2, 193:8</p> <p><b>missing</b> [1] - 165:9</p> <p><b>mistake</b> [1] - 126:11</p> <p><b>mix</b> [1] - 36:14</p> <p><b>mode</b> [1] - 166:6</p> <p><b>model</b> [5] - 88:5, 88:6, 171:1, 174:16</p> <p><b>modern</b> [1] - 165:2</p> <p><b>modifications</b> [4] - 41:18, 153:4, 159:22, 192:19</p> <p><b>modifying</b> [1] - 159:18</p> <p><b>molten</b> [2] - 16:10, 17:5</p> <p><b>moment</b> [4] - 3:4, 105:17, 114:17, 138:22</p> <p><b>money</b> [1] - 49:21</p> <p><b>monopolization</b> [2] - 133:8, 133:10</p> <p><b>monopolize</b> [2] - 133:10, 133:11</p> <p><b>month</b> [5] - 36:3, 36:5, 36:8, 36:9, 195:6</p> <p><b>months</b> [1] - 78:2</p> <p><b>morning</b> [23] - 3:1, 7:5, 9:3, 20:12, 21:20, 22:10, 22:14, 38:15, 38:19, 73:6, 73:16, 74:4, 74:13, 84:20, 85:6, 86:14, 91:14, 114:15, 115:1, 115:15, 127:3, 137:14, 140:3</p>	<p><b>MORTON</b> [4] - 119:1, 167:13, 175:10, 175:15</p> <p><b>Morton</b> [4] - 119:1, 167:10, 167:14, 175:11</p> <p><b>MORTON-ASLANIS</b> [3] - 167:13, 175:10, 175:15</p> <p><b>Morton-Aslanis</b> [3] - 119:1, 167:14, 175:11</p> <p><b>most</b> [11] - 14:5, 33:22, 46:19, 78:7, 87:8, 113:16, 121:18, 122:19, 169:21, 172:7, 185:17</p> <p><b>motion</b> [12] - 20:9, 76:16, 85:18, 93:16, 111:4, 111:15, 120:17, 120:20, 121:7, 121:18, 123:2, 124:22</p> <p><b>motions</b> [4] - 85:19, 93:17, 93:18, 110:23</p> <p><b>move</b> [11] - 15:23, 37:11, 50:21, 69:20, 110:19, 114:14, 122:11, 122:22, 128:18, 131:21, 173:6</p> <p><b>moved</b> [1] - 121:2</p> <p><b>movement</b> [1] - 12:18</p> <p><b>moving</b> [3] - 70:2, 116:4, 190:6</p> <p><b>MR</b> [218] - 4:11, 4:15, 4:19, 4:21, 4:23, 5:3, 5:7, 5:11, 5:17, 5:19, 5:21, 6:7, 6:12, 6:14, 6:16, 6:18, 6:20, 6:22, 7:1, 7:17, 8:1, 9:1, 14:15, 17:8, 17:10, 19:10, 19:15, 19:20, 20:4, 23:11, 23:17, 24:6, 24:9, 25:13, 26:16, 27:18, 29:16, 29:21, 30:20, 32:11, 32:18, 35:13, 37:7, 38:1, 38:4, 38:8, 39:1, 39:8, 39:23, 40:4, 40:18, 48:17, 50:10, 50:11, 50:15, 52:10, 52:18, 53:8, 53:19, 53:22, 54:4, 54:12, 55:7, 56:21, 57:5, 57:14, 58:2, 59:10, 59:20, 60:22, 61:5, 61:13, 61:16, 61:19, 62:5,</p>
--	---	---	--	--

63:3, 63:8, 63:16, 63:21, 64:1, 64:15, 65:14, 65:22, 67:15, 69:22, 69:23, 70:12, 70:14, 70:19, 71:19, 72:4, 72:10, 72:12, 72:14, 72:16, 72:20, 73:6, 73:18, 73:22, 74:3, 84:20, 86:8, 87:18, 87:23, 88:1, 92:14, 94:5, 99:2, 99:6, 99:19, 100:5, 101:12, 101:18, 103:17, 104:6, 104:20, 106:16, 107:1, 107:8, 107:14, 110:9, 112:6, 113:4, 116:9, 116:17, 116:19, 116:21, 116:23, 117:6, 117:8, 117:10, 117:12, 117:14, 117:20, 117:21, 118:2, 118:6, 118:8, 118:13, 118:15, 118:17, 118:20, 119:1, 119:4, 119:6, 119:12, 120:6, 120:13, 126:3, 127:9, 127:17, 127:23, 128:3, 130:4, 135:15, 135:23, 136:11, 139:2, 139:8, 140:3, 142:4, 146:3, 147:14, 148:21, 149:4, 149:9, 149:14, 149:23, 150:6, 150:11, 150:15, 151:14, 152:19, 153:3, 154:1, 154:13, 155:14, 155:17, 156:21, 157:13, 158:6, 159:9, 159:12, 160:14, 160:21, 161:7, 162:11, 162:18, 163:20, 164:8, 164:13, 164:21, 165:4, 165:13, 165:17, 167:13, 168:9, 169:6, 170:16, 172:4, 173:12, 174:3, 174:14, 174:17, 174:21, 175:2, 175:7, 175:15, 176:8, 178:11, 179:9, 185:8, 185:9,

191:3, 191:9, 192:3, 196:13, 196:20  
**MS** [59] - 4:7, 4:9, 4:13, 4:17, 5:9, 5:23, 6:9, 6:11, 18:12, 18:15, 24:2, 24:8, 25:10, 26:5, 26:20, 26:22, 38:6, 62:20, 63:6, 65:2, 65:17, 115:15, 115:17, 116:7, 116:15, 117:16, 117:18, 117:23, 118:1, 118:4, 118:10, 118:22, 119:3, 119:8, 119:10, 129:5, 137:14, 138:23, 139:5, 139:11, 156:5, 157:8, 157:22, 159:2, 159:11, 160:4, 160:7, 160:12, 160:15, 161:4, 161:22, 162:13, 163:17, 164:6, 168:1, 176:2, 177:8, 190:16, 191:14  
**multiple** [7] - 90:18, 90:21, 93:12, 93:18, 93:21, 95:20, 192:23  
**must** [2] - 102:18, 124:13  
**mute** [1] - 3:21  
**myriad** [1] - 131:13

**N**

**name** [35] - 3:3, 3:7, 3:13, 3:18, 19:20, 35:12, 37:18, 38:18, 38:20, 40:15, 40:18, 61:9, 62:11, 62:22, 63:1, 63:5, 70:10, 72:9, 73:4, 73:7, 74:5, 85:4, 85:11, 92:14, 101:13, 114:15, 114:19, 115:2, 115:8, 120:10, 130:1, 136:11, 140:3, 190:15  
**nameless** [1] - 10:10  
**national** [1] - 183:6  
**National** [3] - 1:13, 74:20, 133:16  
**nationally** [2] - 75:9, 76:2  
**nationally-recognized** [1] - 76:2

**nature** [1] - 194:13  
**nay** [1] - 125:9  
**NC** [2] - 168:21, 183:13  
**NCA** [1] - 99:7  
**nearly** [3] - 42:23, 62:10, 66:2  
**necessarily** [2] - 33:21, 34:9  
**necessary** [2] - 72:20, 158:15  
**need** [16] - 14:2, 14:3, 14:6, 51:6, 64:10, 66:1, 68:10, 77:11, 84:23, 86:13, 86:22, 94:13, 95:3, 109:6, 113:21, 190:11  
**needed** [3] - 109:9, 113:23, 193:23  
**needing** [1] - 113:1  
**needs** [3] - 55:16, 55:22, 83:15  
**negative** [27] - 29:3, 30:1, 30:3, 30:16, 46:8, 46:14, 46:20, 47:17, 53:20, 60:11, 60:17, 66:4, 66:6, 67:9, 122:2, 123:16, 123:21, 125:15, 127:16, 135:2, 135:3, 140:16, 140:17, 154:17, 187:20  
**negatively** [1] - 127:7  
**Network** [1] - 74:20  
**never** [7] - 10:15, 14:2, 20:11, 31:8, 31:14, 61:10, 90:20  
**new** [46] - 13:7, 17:14, 25:12, 27:11, 33:2, 37:14, 49:4, 79:1, 79:5, 79:10, 80:9, 82:14, 82:20, 94:23, 96:22, 96:23, 97:1, 97:4, 97:23, 98:18, 100:21, 102:22, 102:23, 103:1, 109:7, 111:18, 131:19, 138:8, 138:14, 141:11, 141:16, 154:15, 154:21, 154:22, 155:2, 156:14, 156:23, 158:12, 162:5, 162:8, 162:12, 171:1, 171:20, 174:15, 181:16, 181:19  
**news** [1] - 34:1  
**next** [8] - 35:5, 37:11,

69:21, 70:2, 76:13, 114:14, 128:18, 190:7  
**NFPA** [133] - 4:9, 6:1, 6:2, 6:7, 6:10, 6:11, 6:21, 6:22, 7:1, 7:7, 8:8, 9:6, 9:7, 9:8, 9:9, 9:11, 10:1, 11:17, 13:7, 14:20, 21:6, 21:10, 22:3, 22:5, 24:4, 24:12, 24:16, 24:18, 24:19, 31:8, 34:23, 37:13, 40:22, 41:7, 41:12, 42:11, 44:18, 45:1, 46:22, 47:1, 48:18, 49:5, 49:7, 55:15, 62:20, 64:21, 65:2, 66:2, 66:12, 67:7, 69:18, 70:6, 70:14, 73:10, 74:7, 79:2, 79:5, 79:7, 79:9, 79:20, 80:4, 85:13, 88:2, 89:3, 111:2, 114:7, 115:16, 115:17, 117:17, 117:18, 117:20, 117:23, 118:1, 118:4, 118:12, 118:13, 118:15, 118:20, 118:23, 119:8, 123:19, 125:10, 128:10, 128:20, 130:16, 130:17, 131:7, 131:15, 131:23, 135:4, 136:13, 136:15, 139:19, 140:13, 141:11, 141:19, 143:1, 144:17, 153:1, 153:11, 153:20, 154:2, 154:5, 154:9, 154:10, 156:5, 157:22, 159:2, 161:12, 161:22, 166:3, 166:12, 168:1, 168:2, 169:4, 176:2, 176:4, 176:6, 176:11, 176:22, 177:19, 179:20, 188:13, 188:17, 188:19, 188:22, 189:8, 189:18, 190:8, 190:16, 192:14, 198:6  
**NFPA's** [1] - 47:20  
**nice** [2] - 3:19, 92:22  
**niece** [3] - 44:17, 60:5, 62:1

**night** [1] - 113:17  
**nine** [1] - 78:2  
**NITMAM** [6] - 64:14, 110:16, 122:5, 122:8, 130:10, 131:23  
**noble** [1] - 131:10  
**nobody** [4] - 10:3, 10:4, 12:16, 170:5  
**non** [2] - 83:17, 84:3  
**non-simultaneous** [2] - 83:17, 84:3  
**noncombustible** [1] - 125:2  
**noncompliant** [2] - 101:1, 101:16  
**none** [5] - 75:9, 91:16, 120:8, 166:9, 196:4  
**nonfire** [1] - 34:2  
**nonpartisan** [1] - 45:4  
**nonsimultaneous** [1] - 108:13  
**normal** [4] - 12:15, 83:1, 109:7, 120:18  
**normally** [3] - 11:15, 12:16, 18:5  
**North** [7] - 119:2, 119:6, 142:5, 152:20, 153:13, 167:14, 175:11  
**note** [3] - 26:5, 96:16, 155:9  
**noted** [3] - 57:16, 57:17, 172:16  
**notes** [1] - 199:9  
**nothing** [13] - 28:6, 41:21, 41:22, 41:23, 42:1, 42:7, 106:2, 131:7, 152:11, 171:8, 178:1  
**notice** [1] - 29:8  
**nuclear** [1] - 192:16  
**number** [28] - 36:2, 49:11, 75:16, 75:23, 79:7, 80:10, 80:17, 82:19, 86:17, 124:14, 154:18, 154:19, 159:10, 159:17, 168:23, 181:7, 181:8, 181:9, 181:11, 182:8, 182:10, 182:11, 187:6, 193:3, 193:7, 197:8  
**numbers** [4] - 108:16, 181:4, 181:12, 182:8  
**numerous** [2] - 79:8, 130:18

**O**

**o'Connor** [2] - 54:3, 57:13

**O'CONNOR** [12] - 5:11, 7:17, 54:4, 57:14, 99:19, 116:23, 127:9, 127:17, 148:21, 149:9, 149:23, 150:11

**O'Connor** [12] - 5:11, 7:16, 7:17, 54:4, 57:14, 99:18, 99:19, 116:23, 127:4, 148:20, 148:21, 150:11

**object** [1] - 169:7

**objection** [1] - 126:23

**objections** [2] - 121:19, 132:10

**objects** [1] - 164:11

**obligated** [2] - 80:1, 139:18

**observed** [4] - 131:5, 168:18, 172:10, 187:2

**obstacles** [1] - 105:7

**obviously** [8] - 20:6, 20:22, 96:1, 110:19, 133:12, 149:16, 194:10, 195:11

**occupancies** [4] - 77:23, 82:14, 85:16, 95:13

**occupancy** [7] - 96:9, 97:2, 97:5, 97:6, 97:22, 97:23, 98:17

**occupant** [1] - 82:12

**Occupants** [1] - 105:1

**occupants** [3] - 95:6, 100:4, 105:10

**occupy** [1] - 78:8

**occur** [4] - 11:7, 11:16, 25:18, 28:1

**occurred** [4] - 11:19, 53:4, 125:11, 175:20

**occurring** [1] - 10:18

**occurs** [2] - 16:13, 196:11

**odds** [1] - 54:9

**offer** [6] - 8:17, 68:21, 81:4, 103:19, 113:5, 113:16

**offered** [2] - 51:19, 57:9

**offering** [1] - 77:20

**office** [4] - 38:5, 72:17, 92:16, 104:21

**official** [5] - 17:19, 69:8, 114:9, 128:11, 198:8

**often** [2] - 81:18, 197:8

**old** [1] - 100:23

**older** [4] - 80:22, 81:13, 100:8, 101:7

**once** [5] - 58:19, 59:11, 59:15, 74:3, 101:16

**one** [151] - 11:1, 12:11, 12:22, 15:2, 15:10, 19:15, 23:6, 26:23, 27:8, 27:12, 28:11, 28:12, 35:15, 35:17, 36:23, 42:5, 43:2, 43:7, 43:11, 43:12, 43:22, 44:5, 44:9, 44:14, 45:19, 46:7, 46:8, 46:14, 47:14, 47:16, 48:10, 48:20, 49:3, 51:2, 51:19, 52:12, 52:15, 52:21, 52:23, 53:2, 53:12, 53:21, 54:14, 55:1, 56:9, 57:6, 57:8, 57:9, 57:15, 61:13, 63:11, 64:2, 64:12, 66:3, 66:22, 67:2, 67:8, 71:11, 75:6, 75:7, 78:9, 82:4, 83:14, 83:19, 84:13, 85:3, 85:15, 85:17, 85:19, 85:20, 89:13, 89:14, 92:1, 93:16, 94:12, 97:8, 99:3, 101:12, 104:13, 105:14, 107:2, 110:22, 111:4, 111:10, 111:14, 111:22, 113:5, 113:8, 113:14, 113:19, 113:22, 120:16, 120:23, 121:3, 122:12, 123:3, 123:4, 123:17, 124:4, 124:13, 125:1, 126:10, 127:4, 127:5, 133:5, 135:5, 140:15, 141:15, 141:17, 142:1, 143:3, 143:9, 146:12, 146:13, 146:15, 146:20, 147:8, 150:5, 150:8, 152:9, 152:22, 153:8, 161:14, 165:8, 166:15,

167:10, 168:2, 169:10, 170:14, 171:14, 171:21, 172:19, 174:4, 174:6, 183:11, 183:20, 192:10, 193:1, 193:9, 193:19, 194:23, 195:4, 195:6, 195:12, 196:6

**ones** [2] - 164:17, 183:14

**open** [13] - 8:18, 11:16, 52:8, 58:4, 90:9, 98:23, 111:3, 129:22, 146:1, 147:21, 148:11, 179:6, 195:20

**opening** [17] - 9:18, 29:18, 29:19, 40:10, 71:6, 73:2, 86:7, 109:21, 119:19, 120:9, 130:9, 130:14, 156:7, 161:23, 168:3, 185:21, 192:2

**openings** [2] - 29:9, 29:11

**openness** [1] - 186:15

**opens** [1] - 105:6

**operate** [3] - 105:12, 108:6, 110:1

**operated** [2] - 42:18, 77:4

**operating** [1] - 152:21

**operation** [20] - 77:9, 77:11, 77:13, 78:12, 79:23, 80:5, 83:12, 85:15, 90:21, 94:19, 95:12, 96:10, 97:9, 98:15, 99:9, 100:11, 107:20, 109:3, 113:9, 113:22

**operational** [1] - 130:21

**operations** [26] - 75:4, 75:16, 75:23, 76:21, 77:16, 78:7, 79:4, 82:4, 82:7, 82:11, 82:19, 83:17, 83:22, 84:3, 84:9, 84:16, 90:18, 97:20, 99:5, 107:17, 108:13, 109:20, 111:22, 113:12, 113:18, 174:11

**opinion** [18] - 55:4, 68:21, 74:18, 74:22, 75:1, 76:7, 92:8, 92:23, 95:7, 124:2,

124:5, 125:7, 125:14, 125:20, 134:21, 147:20

**opinions** [2] - 19:6, 55:17

**opponent** [1] - 165:14

**opponents** [1] - 179:8

**opportunity** [5] - 40:22, 50:7, 106:13, 131:22, 183:9

**oppose** [2] - 45:20, 66:9

**opposed** [6] - 45:17, 87:21, 88:5, 99:5, 168:20, 193:21

**opposition** [16] - 8:10, 43:21, 44:11, 45:13, 45:21, 54:13, 61:3, 87:16, 135:18, 137:7, 137:9, 145:22, 148:12, 148:14, 162:20, 196:3

**opt** [1] - 104:1

**optic** [1] - 146:9

**option** [4] - 83:18, 84:17, 103:2, 109:1

**options** [3] - 83:16, 125:1, 138:4

**oranges** [2] - 166:9, 167:22

**order** [6] - 3:3, 10:17, 41:20, 45:9, 145:5, 176:14

**organization** [9] - 44:6, 73:12, 74:9, 156:11, 168:13, 186:2, 186:3, 195:7, 195:10

**Organization** [1] - 133:18

**organizations** [7] - 88:7, 132:16, 134:12, 158:21, 188:16, 189:1, 189:8

**original** [2] - 100:23, 193:16

**outcome** [8] - 51:11, 76:9, 78:15, 91:4, 92:1, 92:10, 92:11, 98:2

**output** [1] - 174:6

**outright** [1] - 141:6

**outs** [1] - 164:18

**outside** [5] - 9:17, 68:15, 157:4, 180:2

**outstanding** [1] - 158:11

**overall** [1] - 189:2

**overlook** [1] - 108:2

**overlooked** [1] - 77:21

**override** [1] - 97:17

**overseas** [1] - 11:20

**overturn** [2] - 39:19, 72:1

**overview** [1] - 166:7

**overwhelming** [1] - 66:10

**overwhelmingly** [4] - 47:13, 48:3, 48:4, 53:7

**own** [3] - 58:17, 110:1, 187:23

**owners** [1] - 80:1

**P**

**p.m** [1] - 198:19

**package** [3] - 52:21, 52:23, 89:19

**Page** [1] - 2:2

**pages** [1] - 199:7

**paid** [1] - 60:6

**pains** [1] - 147:19

**panel** [6] - 11:1, 17:17, 33:23, 34:1, 34:3, 34:6

**panelized** [1] - 10:14

**panels** [1] - 12:16

**pants** [1] - 28:13

**paper** [1] - 79:16

**papers** [2] - 162:14, 191:15

**parameters** [4] - 145:18, 176:18, 194:21, 195:18

**paraphrase** [1] - 75:2

**pardoe** [3] - 88:20, 91:12, 99:20

**PARDOE** [8] - 72:4, 73:6, 73:18, 73:22, 74:3, 100:5, 101:18, 107:14

**Pardoe** [10] - 71:23, 73:5, 73:8, 74:5, 74:6, 89:9, 91:17, 92:22, 107:11

**parent** [1] - 105:13

**Park** [1] - 1:14

**PARRY** [23] - 118:6, 130:4, 149:4, 149:14, 150:6, 150:15, 155:1, 156:21, 160:11, 160:14, 160:21, 161:7, 162:11, 162:18, 163:20, 164:13, 165:4, 168:9, 172:4,

<p>174:14, 174:21, 175:7, 179:9 <b>parry</b> [5] - 149:9, 152:7, 154:14, 156:6, 160:7 <b>Parry</b> [31] - 118:6, 130:4, 148:22, 149:4, 150:6, 150:15, 152:8, 155:1, 156:21, 160:16, 160:21, 162:11, 162:18, 163:20, 164:9, 164:13, 165:4, 167:15, 168:3, 172:3, 172:4, 173:13, 174:4, 174:14, 174:21, 175:7, 175:12, 177:9, 179:9, 185:21, 187:21 <b>Parry's</b> [2] - 167:11, 186:20 <b>Part</b> [2] - 132:23, 133:9 <b>part</b> [27] - 58:19, 58:20, 59:12, 59:14, 59:17, 62:4, 65:13, 83:21, 108:3, 108:4, 108:22, 109:19, 114:7, 135:16, 144:17, 144:23, 145:16, 151:19, 152:5, 161:2, 163:12, 169:17, 177:2, 186:16, 187:14, 192:14, 193:2 <b>participants</b> [2] - 44:22, 47:1 <b>participate</b> [15] - 7:9, 7:20, 39:11, 40:22, 58:6, 62:17, 69:16, 70:22, 115:22, 116:12, 117:3, 128:10, 128:22, 129:8, 166:5 <b>participated</b> [7] - 58:8, 91:10, 92:6, 110:11, 141:8, 141:10, 160:8 <b>participating</b> [7] - 8:4, 38:15, 39:4, 114:5, 116:2, 141:13, 191:19 <b>participation</b> [5] - 51:5, 57:23, 123:11, 189:17, 198:6 <b>particular</b> [31] - 20:15, 23:2, 38:23, 43:17, 56:3, 61:18, 113:13,</p>	<p>116:11, 132:18, 134:5, 135:4, 148:7, 151:1, 151:10, 153:7, 154:7, 159:6, 161:17, 161:18, 162:7, 165:12, 173:20, 178:2, 179:13, 179:23, 183:20, 184:12, 187:23, 188:5, 193:9 <b>particularly</b> [2] - 88:10, 170:5 <b>parties</b> [1] - 195:19 <b>parts</b> [2] - 17:22, 53:10 <b>pass</b> [6] - 11:13, 14:23, 34:4, 47:16, 143:8, 154:8 <b>passed</b> [10] - 63:15, 66:2, 121:10, 121:11, 122:6, 123:2, 123:5, 123:7, 146:14, 146:19 <b>passes</b> [1] - 196:11 <b>passionate</b> [1] - 106:9 <b>past</b> [7] - 24:17, 49:18, 75:18, 132:21, 166:18, 187:3, 195:21 <b>patent</b> [1] - 102:4 <b>path</b> [3] - 104:2, 109:18, 182:2 <b>patricia</b> [2] - 4:17, 129:5 <b>Patricia</b> [2] - 116:15, 191:16 <b>pause</b> [1] - 73:21 <b>paying</b> [1] - 91:1 <b>peak</b> [1] - 123:9 <b>pending</b> [1] - 158:15 <b>people</b> [33] - 11:20, 12:13, 28:21, 31:22, 33:17, 42:3, 49:20, 51:9, 58:5, 75:20, 76:8, 78:3, 78:5, 78:12, 83:6, 83:23, 90:10, 90:15, 90:22, 109:16, 110:3, 112:12, 113:10, 122:19, 126:17, 131:12, 148:12, 149:16, 149:19, 149:21, 181:5 <b>People</b> [1] - 93:20 <b>per</b> [6] - 36:3, 36:5, 36:9, 60:9, 132:22, 168:10 <b>perceived</b> [3] - 45:8, 109:17, 132:13 <b>percent</b> [50] - 15:21,</p>	<p>25:14, 26:2, 34:13, 36:10, 76:8, 123:12, 125:17, 137:23, 163:1, 163:3, 163:4, 163:6, 163:10, 163:18, 166:6, 167:18, 167:20, 171:14, 171:15, 171:17, 172:6, 172:10, 172:12, 172:13, 172:14, 172:21, 173:15, 173:16, 173:18, 173:20, 173:22, 174:1, 177:11, 177:14, 177:18, 178:9, 180:14, 180:15, 180:16, 180:18, 180:22, 182:13, 182:19, 184:10, 184:20 <b>percentage</b> [1] - 25:11 <b>percentages</b> [2] - 172:9, 186:22 <b>perfect</b> [2] - 63:18, 63:19 <b>perform</b> [3] - 151:1, 153:1, 153:15 <b>performance</b> [8] - 135:7, 137:21, 143:4, 143:14, 144:9, 144:12, 189:9, 189:10 <b>performed</b> [2] - 165:5, 197:20 <b>perhaps</b> [7] - 76:4, 88:23, 91:2, 131:11, 148:13, 158:2, 196:8 <b>period</b> [4] - 21:13, 30:2, 30:8, 157:16 <b>periodic</b> [2] - 78:11, 108:1 <b>periodically</b> [1] - 77:15 <b>permanence</b> [1] - 194:3 <b>permission</b> [1] - 98:14 <b>permit</b> [2] - 96:11, 104:13 <b>permits</b> [1] - 146:19 <b>permitted</b> [11] - 69:12, 75:16, 95:11, 95:12, 96:9, 102:14, 103:22, 104:4, 113:18, 128:15, 198:12 <b>person</b> [7] - 45:16, 60:5, 61:3, 93:15, 110:11, 113:19, 148:16</p>	<p><b>personal</b> [1] - 36:4 <b>personally</b> [2] - 58:14, 121:17 <b>Personnel</b> [10] - 118:3, 143:19, 151:16, 176:10, 185:10, 191:4, 191:10, 192:4, 196:14, 196:21 <b>perspective</b> [3] - 57:22, 78:21, 135:8 <b>pertaining</b> [1] - 159:20 <b>pertinent</b> [1] - 134:9 <b>phases</b> [1] - 160:12 <b>phone</b> [1] - 139:1 <b>phones</b> [2] - 3:22, 90:9 <b>phrase</b> [2] - 75:1, 102:9 <b>phrased</b> [1] - 102:1 <b>pick</b> [3] - 28:11, 28:12, 28:13 <b>picture</b> [1] - 16:7 <b>piece</b> [1] - 162:19 <b>Pls</b> [2] - 154:19 <b>place</b> [6] - 11:8, 86:22, 158:14, 186:11, 195:16, 199:10 <b>placed</b> [1] - 33:5 <b>plan</b> [4] - 40:8, 77:13, 78:10, 108:1 <b>planning</b> [1] - 109:14 <b>plaster</b> [1] - 100:11 <b>plastic</b> [6] - 15:15, 15:17, 15:22, 16:9, 16:19, 17:5 <b>plausible</b> [2] - 76:17, 77:5 <b>play</b> [3] - 10:11, 43:7, 101:10 <b>pleasure</b> [1] - 144:14 <b>plethora</b> [1] - 105:7 <b>plus</b> [5] - 28:1, 67:22, 75:18, 180:16, 182:3 <b>point</b> [42] - 3:9, 7:7, 8:18, 11:11, 12:18, 13:2, 16:23, 17:9, 17:10, 17:13, 18:19, 19:15, 31:6, 34:15, 35:15, 37:4, 38:21, 49:16, 62:7, 83:1, 91:18, 93:14, 103:19, 114:21, 126:2, 128:21, 138:1, 139:12, 143:22, 155:18, 157:5, 157:14, 167:10, 170:4, 171:13, 179:5, 186:21, 188:12,</p>	<p>189:3, 190:3, 190:14, 196:17 <b>pointed</b> [5] - 14:19, 94:17, 119:23, 171:19, 172:20 <b>points</b> [7] - 54:13, 58:10, 127:12, 138:3, 154:6, 167:11, 194:16 <b>policies</b> [1] - 109:15 <b>polystyrene</b> [1] - 18:16 <b>portable</b> [2] - 41:13, 46:3 <b>portion</b> [1] - 9:16 <b>position</b> [14] - 47:4, 47:5, 56:16, 60:3, 94:4, 105:22, 126:5, 137:3, 155:15, 158:3, 162:8, 184:4, 188:1, 195:11 <b>positioned</b> [1] - 84:1 <b>positions</b> [1] - 195:15 <b>possibility</b> [1] - 81:19 <b>possible</b> [6] - 58:5, 76:10, 81:19, 132:22, 150:12, 193:13 <b>potential</b> [2] - 131:21, 135:10 <b>potentially</b> [4] - 34:12, 85:21, 95:3, 175:20 <b>practice</b> [2] - 16:18, 143:12 <b>practices</b> [1] - 109:16 <b>precedence</b> [1] - 82:3 <b>precisely</b> [1] - 78:23 <b>precision</b> [4] - 141:4, 142:17, 163:14, 165:7 <b>precursors</b> [1] - 9:21 <b>predates</b> [1] - 80:4 <b>predicted</b> [3] - 137:23, 170:23, 177:1 <b>prepare</b> [1] - 95:17 <b>prescriptive</b> [2] - 27:3, 27:9 <b>present</b> [2] - 95:4, 136:6 <b>presentation</b> [1] - 36:18 <b>presented</b> [4] - 18:23, 91:13, 98:3, 157:18 <b>preserve</b> [1] - 181:2 <b>preserves</b> [1] - 44:20 <b>preston</b> [1] - 18:11 <b>PRESTON</b> [2] - 4:23, 19:10 <b>Preston</b> [1] - 4:23 <b>presume</b> [1] - 32:16</p>
--	---	---	---	--

<p><b>pretty</b> [5] - 51:3, 113:7, 153:21, 180:15, 194:5</p> <p><b>prevent</b> [8] - 10:17, 83:6, 102:5, 102:7, 102:13, 102:18, 103:13, 152:5</p> <p><b>prevents</b> [1] - 152:11</p> <p><b>Preview</b> [2] - 38:6, 119:10</p> <p><b>previous</b> [11] - 13:12, 22:18, 40:9, 71:4, 85:2, 119:17, 164:10, 165:15, 166:8, 166:10, 167:11</p> <p><b>previously</b> [1] - 143:4</p> <p><b>Priest</b> [3] - 5:4, 17:12, 35:14</p> <p><b>primary</b> [3] - 19:23, 61:7, 61:22</p> <p><b>principles</b> [1] - 152:1</p> <p><b>printing</b> [1] - 98:7</p> <p><b>problem</b> [27] - 10:21, 12:8, 12:12, 14:1, 24:13, 31:23, 32:1, 34:6, 34:7, 34:9, 34:16, 60:4, 62:19, 75:9, 107:5, 150:16, 172:7, 172:8, 179:19, 181:1, 181:13, 182:6, 184:2, 185:11, 185:15, 194:20</p> <p><b>problems</b> [3] - 32:7, 131:19, 155:11</p> <p><b>procedural</b> [2] - 155:11, 179:20</p> <p><b>procedure</b> [6] - 28:15, 28:16, 64:16, 129:13, 190:22, 192:1</p> <p><b>procedures</b> [8] - 27:15, 47:20, 64:21, 109:15, 174:11, 186:2, 192:13, 195:17</p> <p><b>proceed</b> [1] - 71:22</p> <p><b>proceedings</b> [2] - 148:18, 198:18</p> <p><b>process</b> [47] - 20:14, 28:17, 28:18, 30:4, 30:18, 36:18, 45:2, 46:22, 47:1, 47:22, 55:15, 59:5, 59:6, 61:2, 61:15, 61:18, 68:11, 69:19, 71:3, 88:2, 88:4, 88:9, 89:2, 91:3, 91:6, 91:22, 92:2, 92:8,</p>	<p>94:9, 110:18, 114:7, 119:16, 120:15, 128:11, 142:14, 144:21, 146:2, 147:22, 148:1, 155:9, 186:9, 187:13, 189:17, 189:18, 190:22, 192:22, 198:7</p> <p><b>processes</b> [2] - 88:20, 186:13</p> <p><b>produce</b> [1] - 187:8</p> <p><b>produced</b> [1] - 161:15</p> <p><b>produces</b> [3] - 177:5, 180:11, 180:12</p> <p><b>product</b> [20] - 81:12, 100:15, 138:10, 142:13, 147:7, 147:8, 149:12, 149:22, 151:21, 154:3, 154:4, 154:11, 178:19, 184:12, 187:5, 187:11, 188:2, 197:2, 197:5</p> <p><b>product's</b> [2] - 144:9, 144:11</p> <p><b>products</b> [9] - 81:22, 95:4, 100:17, 132:2, 137:22, 178:15, 179:1, 187:16, 189:8</p> <p><b>Professional</b> [1] - 199:15</p> <p><b>professional</b> [1] - 124:2</p> <p><b>professor</b> [1] - 140:4</p> <p><b>proffered</b> [1] - 76:14</p> <p><b>profound</b> [2] - 85:23, 86:1</p> <p><b>prohibit</b> [1] - 62:14</p> <p><b>project</b> [2] - 140:7, 197:10</p> <p><b>projected</b> [1] - 174:23</p> <p><b>projection</b> [1] - 183:16</p> <p><b>propagation</b> [1] - 163:9</p> <p><b>proper</b> [3] - 68:4, 151:4, 195:14</p> <p><b>properly</b> [1] - 145:17</p> <p><b>proponent</b> [2] - 129:17, 179:7</p> <p><b>proponents</b> [2] - 29:1, 135:16</p> <p><b>proposal</b> [2] - 121:20, 123:19</p> <p><b>proposals</b> [5] - 49:1, 49:2, 120:16, 121:2, 122:8</p> <p><b>propose</b> [2] - 139:21, 151:11</p>	<p><b>proposed</b> [17] - 12:3, 16:3, 17:14, 18:9, 29:8, 33:3, 35:7, 45:22, 46:4, 83:21, 131:6, 134:16, 172:18, 192:8, 192:13, 193:12, 197:9</p> <p><b>protect</b> [5] - 16:20, 109:16, 124:6, 124:13, 125:3</p> <p><b>protecting</b> [2] - 178:23, 197:6</p> <p><b>protection</b> [15] - 49:5, 49:9, 64:3, 64:4, 64:8, 64:11, 67:21, 118:18, 140:10, 143:2, 143:4, 144:3, 178:14, 192:16, 197:16</p> <p><b>Protection</b> [11] - 1:13, 118:3, 143:19, 151:17, 176:10, 185:10, 191:4, 191:10, 192:4, 196:14, 196:21</p> <p><b>protective</b> [3] - 169:22, 177:3, 178:1</p> <p><b>Protective</b> [6] - 119:5, 130:6, 130:19, 136:12, 137:16, 147:16</p> <p><b>protocol</b> [1] - 166:12</p> <p><b>protocols</b> [1] - 130:17</p> <p><b>proud</b> [2] - 88:4, 88:8</p> <p><b>provide</b> [18] - 14:4, 29:2, 35:5, 67:20, 69:1, 83:15, 103:2, 103:23, 104:15, 119:19, 134:2, 137:20, 138:2, 167:21, 176:14, 186:5, 186:9, 188:8</p> <p><b>provided</b> [9] - 20:19, 34:17, 52:4, 56:12, 92:16, 102:14, 150:7, 154:19, 155:18</p> <p><b>provider</b> [1] - 176:12</p> <p><b>provides</b> [1] - 188:2</p> <p><b>providing</b> [7] - 61:10, 144:3, 179:2, 186:18, 189:6, 189:7, 194:21</p> <p><b>provision</b> [5] - 25:12, 83:21, 103:1, 108:22, 109:19</p> <p><b>provisions</b> [13] - 74:16, 76:19, 76:22, 79:5, 82:21, 102:16,</p>	<p>103:1, 103:6, 103:7, 103:10, 103:14, 108:5, 109:4</p> <p><b>public</b> [39] - 21:6, 21:12, 30:1, 30:4, 30:7, 30:9, 30:18, 41:6, 41:16, 42:9, 43:12, 43:14, 43:17, 43:21, 44:23, 45:22, 47:10, 47:15, 47:22, 65:5, 65:9, 66:1, 67:6, 91:15, 110:15, 111:4, 111:21, 120:22, 134:15, 155:6, 162:6, 180:3, 186:6, 186:11, 187:3, 187:4, 187:19</p> <p><b>purchase</b> [1] - 149:17</p> <p><b>purchased</b> [1] - 178:5</p> <p><b>purpose</b> [3] - 107:23, 130:2, 139:23</p> <p><b>purposely</b> [1] - 180:23</p> <p><b>purposes</b> [1] - 121:15</p> <p><b>purview</b> [2] - 48:7, 92:3</p> <p><b>pushing</b> [1] - 20:1</p> <p><b>put</b> [22] - 11:21, 12:3, 12:13, 18:20, 24:16, 25:23, 50:12, 52:3, 95:10, 96:5, 120:21, 171:10, 177:17, 177:19, 179:15, 179:21, 179:22, 180:8, 184:18, 185:17, 197:12, 197:18</p> <p><b>putting</b> [5] - 10:11, 11:11, 30:22, 184:15, 193:16</p> <p style="text-align: center;"><b>Q</b></p> <p><b>qualification</b> [1] - 189:7</p> <p><b>qualified</b> [1] - 166:2</p> <p><b>qualify</b> [2] - 151:22, 152:10</p> <p><b>qualifying</b> [3] - 178:19, 187:5, 197:5</p> <p><b>quarterback</b> [1] - 148:14</p> <p><b>quasi</b> [1] - 132:4</p> <p><b>quasi-mandatory</b> [1] - 132:4</p> <p><b>questioning</b> [2] - 17:20, 99:1</p> <p><b>questions</b> [33] - 8:19, 8:21, 23:5, 29:6, 32:13, 40:11, 52:8,</p>	<p>65:19, 71:7, 77:10, 99:18, 106:15, 107:10, 111:12, 119:20, 125:18, 127:3, 127:19, 134:3, 134:7, 135:13, 148:11, 148:19, 156:8, 157:10, 157:20, 160:6, 174:7, 176:1, 179:5, 185:20, 195:20, 196:17</p> <p><b>quickly</b> [2] - 28:21, 142:7</p> <p><b>Quincy</b> [3] - 1:15, 114:5, 128:9</p> <p><b>QUINTERNO</b> [5] - 38:4, 72:16, 72:20, 92:14, 104:20</p> <p><b>Quinterno</b> [4] - 38:4, 72:16, 92:15, 104:20</p> <p><b>quite</b> [6] - 31:3, 132:1, 138:17, 140:17, 180:14, 184:8</p> <p><b>quiter</b> [7] - 52:9, 53:18, 116:6, 119:23, 128:2, 129:1, 129:2</p> <p><b>QUITER</b> [52] - 4:11, 7:14, 7:23, 8:7, 14:13, 17:6, 18:10, 18:13, 19:12, 19:18, 23:3, 23:15, 24:1, 27:12, 29:5, 29:13, 29:20, 32:12, 35:11, 36:16, 52:10, 53:19, 115:19, 126:3, 128:3, 129:3, 129:11, 135:15, 136:2, 138:20, 139:9, 147:11, 148:10, 151:12, 152:17, 153:17, 154:12, 157:9, 157:20, 159:15, 161:21, 164:7, 170:14, 172:3, 173:6, 174:2, 175:13, 175:23, 178:10, 179:4, 185:6, 189:15</p> <p><b>Quiter</b> [8] - 4:11, 7:11, 7:13, 37:9, 52:10, 115:19, 126:1, 126:3</p> <p><b>quote</b> [1] - 184:15</p> <p style="text-align: center;"><b>R</b></p> <p><b>radiological</b> [1] - 192:16</p>
---	--	---	---	--

<p><b>raise</b> [1] - 122:15</p> <p><b>raised</b> [3] - 48:20, 91:17, 132:21</p> <p><b>ran</b> [4] - 12:9, 35:18, 35:20</p> <p><b>Randall</b> [3] - 4:21, 101:13, 116:19</p> <p><b>range</b> [5] - 142:9, 142:11, 167:18, 167:20, 188:9</p> <p><b>rate</b> [4] - 33:20, 121:1, 171:5, 171:10</p> <p><b>rather</b> [8] - 11:14, 51:17, 51:20, 56:12, 124:9, 162:22, 165:20, 192:18</p> <p><b>ratings</b> [1] - 143:7</p> <p><b>rationalized</b> [1] - 34:15</p> <p><b>reaches</b> [1] - 60:8</p> <p><b>react</b> [1] - 169:2</p> <p><b>read</b> [5] - 52:5, 91:21, 101:22, 102:3, 158:8</p> <p><b>ready</b> [1] - 71:21</p> <p><b>real</b> [2] - 10:16, 19:7</p> <p><b>realism</b> [1] - 142:21</p> <p><b>realistic</b> [1] - 145:4</p> <p><b>realize</b> [1] - 183:4</p> <p><b>realized</b> [1] - 31:12</p> <p><b>really</b> [27] - 12:22, 25:3, 27:9, 27:10, 32:1, 33:16, 52:2, 64:22, 65:10, 65:23, 88:1, 91:2, 92:3, 96:12, 100:18, 104:8, 124:19, 136:7, 168:12, 169:2, 169:3, 179:16, 179:18, 182:6, 185:4, 185:19, 187:22</p> <p><b>reason</b> [22] - 15:3, 42:22, 54:2, 54:23, 55:2, 55:6, 64:13, 66:12, 91:13, 102:6, 108:3, 108:11, 133:20, 133:22, 134:8, 140:16, 142:23, 146:9, 155:22, 164:1, 194:4, 194:14</p> <p><b>reasonable</b> [3] - 166:6, 169:18, 170:6</p> <p><b>reasons</b> [4] - 111:13, 111:16, 141:7, 143:16</p> <p><b>rebutts</b> [1] - 162:19</p> <p><b>rebuttal</b> [1] - 29:1</p> <p><b>receive</b> [1] - 47:21</p> <p><b>received</b> [2] - 65:4,</p>	<p>121:1</p> <p><b>recent</b> [1] - 113:5</p> <p><b>recently</b> [1] - 87:8</p> <p><b>recirculation</b> [1] - 42:2</p> <p><b>recognize</b> [3] - 113:21, 173:7, 178:3</p> <p><b>recognized</b> [2] - 75:10, 76:2</p> <p><b>recognizes</b> [1] - 172:16</p> <p><b>recognizing</b> [1] - 193:1</p> <p><b>recommend</b> [1] - 112:1</p> <p><b>recommendations</b> [2] - 142:13, 161:11</p> <p><b>reconstituted</b> [1] - 49:6</p> <p><b>record</b> [36] - 3:20, 7:18, 8:2, 20:17, 37:5, 37:11, 39:2, 39:10, 70:2, 70:7, 70:20, 73:9, 74:6, 91:20, 91:21, 92:11, 115:4, 115:9, 115:20, 116:10, 117:1, 128:18, 129:6, 130:10, 132:11, 135:13, 135:19, 140:19, 157:15, 159:3, 190:4, 190:12, 191:16, 191:17, 198:15, 198:16</p> <p><b>recording</b> [5] - 3:11, 114:23, 139:1, 139:2, 139:7</p> <p><b>recuse</b> [3] - 7:8, 54:7, 128:21</p> <p><b>recused</b> [2] - 54:16, 56:23</p> <p><b>recusing</b> [10] - 7:19, 8:2, 39:2, 39:10, 70:20, 115:21, 116:11, 117:2, 129:7, 191:17</p> <p><b>reduce</b> [1] - 184:2</p> <p><b>reducing</b> [3] - 139:23, 159:1, 184:22</p> <p><b>reduction</b> [5] - 171:14, 171:15, 171:18, 172:6, 173:18</p> <p><b>refer</b> [1] - 64:7</p> <p><b>reference</b> [22] - 9:9, 76:5, 125:11, 125:13, 127:8, 127:14, 136:23, 142:8, 143:10, 151:20, 152:1,</p>	<p>154:18, 163:6, 165:23, 166:4, 167:5, 167:7, 168:4, 168:6, 170:9, 170:11, 180:17</p> <p><b>referenced</b> [2] - 25:7, 64:9</p> <p><b>references</b> [1] - 87:13</p> <p><b>referencing</b> [2] - 142:16, 145:14</p> <p><b>referred</b> [2] - 27:13, 159:6</p> <p><b>referring</b> [3] - 26:19, 63:2, 156:18</p> <p><b>refers</b> [1] - 29:8</p> <p><b>reflects</b> [2] - 26:9, 45:4</p> <p><b>refrain</b> [1] - 47:3</p> <p><b>refuse</b> [1] - 195:9</p> <p><b>regard</b> [9] - 62:4, 65:11, 156:14, 158:11, 159:5, 160:19, 161:5, 162:4</p> <p><b>regarding</b> [15] - 37:13, 61:1, 61:23, 69:13, 73:20, 74:16, 77:9, 85:3, 99:16, 107:16, 110:22, 111:1, 128:16, 137:21, 198:13</p> <p><b>regardless</b> [1] - 196:10</p> <p><b>regimen</b> [1] - 165:2</p> <p><b>region</b> [1] - 77:19</p> <p><b>Registered</b> [1] - 199:15</p> <p><b>regs</b> [1] - 156:23</p> <p><b>regulations</b> [6] - 42:19, 134:13, 156:11, 156:16, 156:19, 162:3</p> <p><b>reinforcing</b> [1] - 16:21</p> <p><b>reinstate</b> [1] - 82:15</p> <p><b>reiterate</b> [1] - 147:17</p> <p><b>reject</b> [3] - 121:16, 157:1</p> <p><b>rejected</b> [6] - 18:7, 42:14, 49:19, 122:17, 122:18, 126:10</p> <p><b>rejecting</b> [2] - 17:20, 42:22</p> <p><b>related</b> [11] - 7:6, 37:12, 61:8, 61:21, 70:3, 128:19, 159:13, 189:5, 190:7, 190:8, 196:9</p> <p><b>relates</b> [4] - 17:13, 21:4, 130:16, 162:7</p> <p><b>relationship</b> [2] - 62:1,</p>	<p>167:19</p> <p><b>relative</b> [3] - 105:13, 175:3, 186:14</p> <p><b>relatively</b> [2] - 111:18, 185:18</p> <p><b>relay</b> [1] - 114:13</p> <p><b>relaying</b> [1] - 37:1</p> <p><b>release</b> [3] - 79:23, 80:5, 83:4</p> <p><b>releasing</b> [37] - 75:4, 75:16, 75:23, 76:21, 81:16, 82:4, 82:6, 82:11, 82:19, 83:12, 83:17, 83:22, 84:3, 84:9, 84:15, 85:15, 85:18, 85:19, 94:19, 95:12, 96:10, 97:9, 97:19, 98:15, 99:9, 100:2, 107:17, 108:13, 109:3, 109:20, 110:23, 111:4, 111:14, 111:22, 113:9, 113:17, 113:22</p> <p><b>relevant</b> [1] - 63:13</p> <p><b>reliability</b> [6] - 143:23, 144:6, 144:7, 152:15, 176:16, 189:11</p> <p><b>Reliable</b> [3] - 40:20, 52:18, 59:21</p> <p><b>reliable</b> [6] - 145:7, 179:3, 180:10, 187:17, 197:19</p> <p><b>reliant</b> [1] - 126:8</p> <p><b>relies</b> [1] - 187:4</p> <p><b>religiously</b> [1] - 170:2</p> <p><b>relinquish</b> [1] - 47:7</p> <p><b>relocation</b> [1] - 94:15</p> <p><b>rely</b> [7] - 97:11, 97:22, 108:17, 142:23, 145:3, 165:20, 178:23</p> <p><b>remain</b> [2] - 10:10, 53:13</p> <p><b>remarkable</b> [1] - 185:14</p> <p><b>remarks</b> [25] - 3:14, 8:22, 40:10, 40:13, 65:20, 71:7, 71:11, 73:3, 73:5, 86:7, 107:11, 107:16, 113:6, 115:3, 119:19, 119:22, 120:10, 120:11, 127:21, 128:2, 156:7, 161:23, 168:3, 192:2, 196:19</p> <p><b>remedy</b> [2] - 130:20, 136:19</p>	<p><b>remember</b> [5] - 24:14, 101:5, 108:20, 129:23, 177:22</p> <p><b>remind</b> [7] - 40:14, 69:8, 73:3, 114:8, 114:21, 128:11, 198:8</p> <p><b>remove</b> [1] - 193:22</p> <p><b>removed</b> [1] - 194:1</p> <p><b>repeat</b> [1] - 36:12</p> <p><b>repeatable</b> [1] - 145:8</p> <p><b>repeating</b> [1] - 36:10</p> <p><b>replaced</b> [1] - 80:9</p> <p><b>report</b> [2] - 94:11, 96:2</p> <p><b>reported</b> [3] - 143:5, 169:12, 171:17</p> <p><b>Reporter</b> [1] - 199:15</p> <p><b>reporting</b> [1] - 177:16</p> <p><b>reports</b> [1] - 68:3</p> <p><b>represent</b> [9] - 19:2, 27:8, 73:11, 74:8, 74:9, 92:15, 109:22, 137:15</p> <p><b>representative</b> [2] - 23:20, 27:1</p> <p><b>represented</b> [1] - 88:15</p> <p><b>representing</b> [24] - 5:1, 5:6, 5:8, 5:10, 14:16, 20:21, 29:17, 30:21, 32:19, 37:22, 38:9, 44:2, 44:5, 44:9, 44:14, 72:11, 72:13, 72:15, 84:22, 112:10, 118:18, 119:13, 148:8, 158:20</p> <p><b>represents</b> [1] - 133:7</p> <p><b>reproducible</b> [1] - 145:7</p> <p><b>requested</b> [1] - 155:23</p> <p><b>require</b> [3] - 11:6, 23:19, 133:20</p> <p><b>required</b> [7] - 23:22, 80:7, 84:6, 85:14, 101:15, 141:18, 142:1</p> <p><b>requirement</b> [11] - 13:9, 26:9, 77:3, 77:14, 100:23, 134:16, 154:8, 165:23, 181:21, 195:12, 195:15</p> <p><b>requirements</b> [24] - 75:20, 76:18, 77:12, 77:17, 79:12, 79:19, 80:3, 82:2, 100:21, 102:22, 135:8, 137:1, 143:14, 145:4, 150:10,</p>
---	---	---	---	---

152:13, 153:2,  
153:11, 153:16,  
177:2, 178:13,  
178:16, 181:17,  
188:5  
**requires** [3] - 77:1,  
77:8, 187:14  
**requiring** [2] - 11:21,  
132:7  
**requisite** [1] - 123:12  
**Research** [1] - 133:16  
**research** [2] - 111:6,  
111:9  
**residential** [1] - 82:7  
**resistance** [1] - 13:17  
**resistant** [2] - 137:17,  
140:9  
**resolve** [2] - 26:14,  
195:2  
**resources** [1] - 197:11  
**respect** [9] - 10:20,  
14:9, 19:5, 21:10,  
27:18, 28:14, 29:11,  
33:16, 33:23  
**respective** [1] - 94:10  
**respond** [6] - 30:11,  
54:21, 131:23,  
151:15, 172:5,  
177:10  
**responders** [3] -  
77:18, 192:17, 197:7  
**response** [3] - 86:13,  
130:11, 168:16  
**responsibility** [1] -  
68:14  
**responsible** [2] -  
144:17, 178:21  
**rest** [2] - 52:15, 171:23  
**restraint** [2] - 133:2,  
157:6  
**restriction** [1] - 75:22  
**restricts** [1] - 131:1  
**result** [9] - 97:2,  
109:13, 132:7,  
150:2, 150:4, 172:1,  
177:18, 182:3,  
182:16  
**resulted** [1] - 90:19  
**results** [29] - 37:1,  
39:19, 41:20, 97:3,  
131:14, 143:12,  
151:22, 151:23,  
152:8, 158:15,  
159:21, 166:16,  
168:14, 168:15,  
176:14, 176:19,  
177:5, 177:6,  
180:12, 184:16,  
184:17, 185:16,  
187:1, 187:8, 187:9,

187:17, 188:8, 188:9  
**retardant** [1] - 34:3  
**retesting** [1] - 36:15  
**retired** [1] - 118:8  
**retracts** [1] - 81:9  
**return** [1] - 126:16  
**returning** [1] - 126:17  
**reversal** [1] - 185:15  
**review** [5] - 48:21,  
122:7, 155:6,  
186:10, 186:11  
**reviewed** [2] - 50:4,  
155:6  
**revised** [1] - 22:7  
**revision** [21] - 41:7,  
42:6, 43:12, 43:14,  
43:19, 43:22, 46:6,  
46:16, 67:8, 94:8,  
130:17, 138:7,  
139:19, 148:4,  
154:17, 155:5,  
155:7, 155:13,  
156:4, 157:4, 158:15  
**revisions** [15] - 30:2,  
30:14, 39:20, 41:15,  
41:19, 42:10, 42:12,  
42:23, 43:3, 46:13,  
47:13, 62:8, 63:4,  
67:6, 67:10  
**revisited** [1] - 126:22  
**rewriting** [1] - 167:2  
**REYNOLDS** [2] -  
117:21, 146:3  
**Reynolds** [2] - 117:21,  
146:3  
**Rhode** [4] - 38:5,  
72:17, 92:15, 104:21  
**RICE** [2] - 38:6,  
119:10  
**Rice** [2] - 38:6, 119:10  
**RICKARD** [3] - 5:19,  
99:2, 117:12  
**Rickard** [3] - 5:19,  
99:2, 117:12  
**rid** [2] - 46:12, 62:8  
**Rights** [1] - 74:20  
**risen** [1] - 132:3  
**risk** [3] - 26:4, 95:5,  
111:18  
**risks** [1] - 111:20  
**robert** [2] - 6:22,  
118:13  
**robin** [9] - 152:8,  
160:9, 160:13,  
164:10, 164:15,  
164:16, 165:3,  
165:6, 181:10  
**robing** [1] - 165:15  
**robins** [4] - 142:18,  
164:19, 166:8,

166:10  
**roEPER** [1] - 91:7  
**ROEPER** [3] - 38:11,  
72:14, 103:17  
**Roeper** [4] - 38:11,  
72:14, 91:7, 103:17  
**roger** [5] - 149:4,  
150:6, 162:18,  
174:14, 174:21  
**Roger** [17] - 118:6,  
119:6, 130:4, 142:4,  
150:15, 153:13,  
155:1, 156:21,  
160:21, 162:11,  
163:20, 164:13,  
165:4, 170:4, 172:4,  
175:7, 179:9  
**role** [2] - 45:5, 89:20  
**roll** [3] - 56:1, 90:15,  
90:23  
**room** [17] - 3:5, 3:10,  
36:7, 37:15, 37:16,  
43:21, 70:8, 70:9,  
78:3, 105:16,  
113:15, 113:20,  
114:18, 114:22,  
115:14, 136:3,  
190:11  
**ROSS** [4] - 5:9, 18:12,  
18:15, 26:22  
**Ross** [2] - 5:9, 18:12  
**roughly** [1] - 36:11  
**round** [14] - 152:8,  
160:9, 160:13,  
164:10, 164:11,  
164:15, 164:16,  
164:18, 165:2,  
165:6, 165:15,  
166:8, 166:10,  
181:10  
**routinely** [1] - 138:2  
**row** [2] - 4:4, 115:13  
**rule** [6] - 133:20,  
133:22, 134:8,  
146:10, 146:14,  
146:19  
**rules** [14] - 44:19,  
59:1, 62:14, 80:21,  
105:11, 108:2,  
108:10, 134:12,  
136:9, 156:11,  
156:16, 156:19,  
156:22, 162:3  
**run** [8] - 15:19, 33:18,  
36:3, 58:3, 109:8,  
192:12, 193:15,  
195:1  
**running** [6] - 13:17,  
17:11, 31:2, 55:7,  
55:11, 129:21

**runs** [1] - 136:7

---

**S**

---

**safe** [3] - 83:18, 84:17,  
109:2  
**Safety** [1] - 105:2  
**safety** [16] - 15:2,  
19:17, 20:2, 78:11,  
82:23, 85:14, 89:22,  
94:11, 108:2, 109:6,  
137:19, 138:3,  
138:16, 139:14,  
166:22, 187:6  
**salacious** [1] - 172:5  
**Sally** [3] - 6:2, 157:22,  
168:1  
**sally** [6] - 62:20, 65:2,  
117:18, 156:5,  
159:2, 161:22  
**Sam** [4] - 70:12,  
116:21, 120:13,  
126:14  
**samples** [2] - 181:23,  
182:1  
**Sara** [1] - 119:10  
**Sarah** [1] - 38:6  
**satisfied** [2] - 125:15,  
195:19  
**satisfies** [2] - 195:12,  
195:13  
**saving** [1] - 15:1  
**saw** [8] - 85:2, 85:5,  
96:16, 167:2,  
169:10, 170:2,  
170:8, 171:15  
**scale** [4] - 49:22,  
101:5, 108:15,  
142:21  
**scan** [1] - 143:23  
**scenario** [2] - 16:3,  
76:17  
**scenarios** [5] - 76:15,  
77:20, 103:2,  
107:20, 109:9  
**schedule** [1] - 69:15  
**scheme** [2] - 64:9,  
64:11  
**school** [9] - 78:1,  
78:8, 78:9, 94:11,  
100:9, 101:2, 103:3,  
104:10, 110:1  
**schools** [6] - 79:17,  
80:13, 88:23, 90:19,  
109:10, 111:5  
**scope** [1] - 26:18  
**screwed** [1] - 53:23  
**scrutiny** [3] - 68:1,  
134:16, 162:6

**se** [2] - 132:22, 168:10  
**Sean** [2] - 70:14,  
118:20  
**season** [1] - 123:9  
**seat** [1] - 28:12  
**second** [61] - 22:20,  
27:22, 30:19, 39:20,  
41:11, 41:15, 41:19,  
42:6, 42:12, 42:22,  
43:2, 43:12, 43:14,  
43:15, 43:19, 43:22,  
45:23, 46:6, 46:13,  
46:16, 47:13, 48:22,  
50:18, 50:22, 51:1,  
51:2, 62:7, 63:4,  
67:6, 67:8, 83:3,  
83:11, 84:15, 88:19,  
91:16, 93:14, 95:11,  
95:14, 96:2, 96:5,  
96:7, 96:10, 98:14,  
99:8, 105:14, 109:2,  
120:19, 121:1,  
122:12, 141:18,  
148:4, 154:16,  
156:4, 157:4,  
157:21, 158:15,  
162:5, 162:9,  
181:23, 182:1,  
186:12  
**Second** [1] - 180:9  
**secondary** [3] - 93:7,  
105:4, 106:6  
**secondly** [1] - 87:1  
**seconds** [1] - 84:14  
**secretary** [5] - 114:10,  
115:16, 128:14,  
189:22, 198:10  
**Secretary** [2] - 4:8,  
69:10  
**Section** [4] - 42:18,  
46:23, 82:5, 82:8  
**section** [6] - 24:18,  
27:11, 42:10, 45:2,  
156:22, 159:18  
**sections** [2] - 53:1,  
159:19  
**Security** [1] - 109:13  
**security** [5] - 82:23,  
98:19, 104:10,  
109:12, 113:23  
**see** [21] - 9:19, 13:23,  
17:15, 17:19, 18:6,  
28:19, 33:17, 33:23,  
34:7, 57:21, 58:22,  
91:21, 104:2,  
151:12, 161:19,  
164:4, 170:22,  
171:13, 172:2,  
186:13, 187:10  
**seeing** [2] - 120:8,

<p>196:4  <b>seeking</b> [1] - 120:22  <b>seeks</b> [1] - 82:15  <b>seem</b> [4] - 30:4, 30:5, 30:12, 54:9  <b>sees</b> [2] - 97:13, 197:8  <b>select</b> [3] - 177:20, 177:21, 185:3  <b>selected</b> [1] - 169:1  <b>selection</b> [3] - 168:22, 180:22, 183:15  <b>sell</b> [4] - 109:22, 109:23, 132:6, 137:22  <b>semi</b> [1] - 24:15  <b>sense</b> [4] - 25:10, 53:14, 144:3, 175:8  <b>sensor</b> [2] - 163:6  <b>sensors</b> [1] - 175:21  <b>separate</b> [3] - 84:2, 108:12, 121:23  <b>separated</b> [1] - 121:3  <b>separately</b> [2] - 95:19, 121:22  <b>separating</b> [1] - 16:8  <b>series</b> [1] - 39:20  <b>serious</b> [1] - 139:3  <b>seriously</b> [1] - 103:7  <b>serve</b> [3] - 7:11, 55:19, 82:11  <b>service</b> [3] - 95:6, 105:8, 105:9  <b>services</b> [1] - 20:19  <b>session</b> [9] - 36:20, 89:3, 89:8, 89:20, 90:8, 91:6, 129:2, 139:7, 189:20  <b>set</b> [10] - 47:9, 82:22, 109:5, 136:19, 167:5, 167:8, 169:18, 170:9, 178:12, 195:17  <b>sets</b> [4] - 27:2, 121:23, 177:12, 189:8  <b>setting</b> [3] - 132:15, 145:4, 176:23  <b>seven</b> [9] - 52:12, 53:1, 53:6, 53:21, 66:1, 67:5, 67:6, 67:10, 141:8  <b>sever</b> [1] - 22:15  <b>several</b> [5] - 34:4, 60:16, 103:5, 144:7, 164:17  <b>severe</b> [5] - 22:13, 22:15, 32:23, 33:1  <b>shall</b> [9] - 10:10, 31:3, 33:6, 44:19, 45:5, 102:14, 103:21, 104:4, 123:9</p>	<p><b>shame</b> [1] - 89:14  <b>shapiro</b> [1] - 59:23  <b>Shapiro</b> [8] - 43:23, 54:14, 57:19, 57:23, 59:4, 60:7, 60:14, 62:1  <b>share</b> [3] - 69:16, 94:3, 190:2  <b>sharing</b> [2] - 114:6, 198:4  <b>sheeting</b> [2] - 17:23, 18:1  <b>sheets</b> [1] - 18:3  <b>shelf</b> [1] - 25:23  <b>Sherman</b> [2] - 132:23, 133:9  <b>shirts</b> [2] - 141:20, 141:23  <b>shooter</b> [1] - 98:20  <b>short</b> [7] - 17:11, 29:4, 51:20, 68:21, 153:7, 171:10, 192:5  <b>show</b> [5] - 18:23, 34:15, 60:2, 62:12, 143:7  <b>shows</b> [1] - 157:15  <b>shut</b> [1] - 136:8  <b>side</b> [8] - 28:22, 71:6, 71:9, 71:12, 81:7, 119:18, 188:16, 194:9  <b>sided</b> [1] - 122:3  <b>sides</b> [2] - 12:15, 12:19  <b>sign</b> [1] - 58:5  <b>significance</b> [1] - 165:16  <b>significant</b> [3] - 43:20, 66:5, 174:6  <b>silent</b> [2] - 97:20, 99:15  <b>sills</b> [1] - 16:14  <b>similar</b> [4] - 96:6, 107:6, 167:7, 189:5  <b>similarly</b> [1] - 63:23  <b>simple</b> [4] - 85:13, 85:19, 85:22, 125:22  <b>simply</b> [9] - 26:11, 60:12, 86:17, 92:7, 123:21, 144:21, 145:14, 177:4, 193:22  <b>simulations</b> [1] - 140:11  <b>simultaneous</b> [6] - 77:9, 83:17, 84:3, 99:5, 113:8, 113:11  <b>simultaneously</b> [1] - 77:4  <b>single</b> [6] - 49:4,</p>	<p>79:22, 80:5, 93:10, 94:19, 185:3  <b>sister</b> [1] - 93:2  <b>sit</b> [1] - 15:23  <b>sits</b> [1] - 16:3  <b>sitting</b> [2] - 13:6, 91:1  <b>situation</b> [6] - 19:3, 83:5, 93:6, 98:21, 99:16, 113:13  <b>situations</b> [3] - 83:9, 83:16, 111:19  <b>six</b> [13] - 47:14, 48:1, 48:13, 53:6, 62:8, 63:12, 63:14, 63:15, 66:2, 66:12, 67:1, 89:18, 97:3  <b>size</b> [3] - 83:14, 163:4, 163:5  <b>sketches</b> [1] - 15:8  <b>skin</b> [5] - 142:20, 170:19, 170:23, 171:9, 171:11  <b>slept</b> [1] - 113:16  <b>smaller</b> [2] - 10:16, 164:17  <b>smoke</b> [1] - 93:6  <b>SNYDER</b> [10] - 4:19, 63:8, 63:21, 116:17, 164:8, 164:21, 165:13, 174:3, 174:17, 175:2  <b>snyder</b> [1] - 164:7  <b>Snyder</b> [11] - 4:19, 63:7, 63:8, 63:21, 116:17, 164:8, 164:21, 174:2, 174:3, 174:17, 175:2  <b>software</b> [1] - 188:8  <b>solely</b> [1] - 139:23  <b>solicit</b> [1] - 76:15  <b>solid</b> [1] - 25:17  <b>SOLOMAN</b> [2] - 6:22, 118:13  <b>Soloman</b> [2] - 6:22, 118:13  <b>solution</b> [2] - 83:15, 197:22  <b>someone</b> [6] - 45:19, 56:11, 76:4, 104:16, 153:23, 176:4  <b>sometime</b> [1] - 93:16  <b>sometimes</b> [4] - 33:21, 33:22, 93:17, 188:19  <b>somewhat</b> [1] - 28:19  <b>somewhere</b> [2] - 16:5, 16:23  <b>sorry</b> [6] - 55:8, 102:1, 112:4, 134:5, 139:10, 153:5</p>	<p><b>sort</b> [8] - 11:21, 18:3, 26:17, 28:8, 33:17, 64:18, 166:19, 182:23  <b>sound</b> [3] - 134:18, 134:22, 186:18  <b>source</b> [1] - 166:23  <b>sourced</b> [1] - 67:7  <b>space</b> [6] - 36:6, 123:4, 124:16, 125:2, 125:5, 132:2  <b>spaces</b> [6] - 120:21, 121:6, 121:20, 124:7, 124:11, 124:12  <b>speaker</b> [1] - 115:2  <b>speakers</b> [2] - 137:5, 145:21  <b>speaking</b> [26] - 3:12, 3:16, 20:6, 20:7, 39:18, 40:2, 40:6, 71:12, 71:17, 71:23, 72:6, 72:7, 72:19, 73:15, 74:12, 87:16, 90:16, 115:5, 120:4, 120:8, 135:18, 135:19, 136:5, 143:20, 148:6, 191:6  <b>special</b> [6] - 73:12, 73:13, 74:10, 88:13, 178:6  <b>specifer</b> [1] - 145:16  <b>specific</b> [12] - 13:9, 14:11, 27:23, 132:19, 145:18, 148:16, 176:16, 177:5, 177:15, 177:16, 178:16  <b>specifically</b> [10] - 23:18, 74:23, 77:22, 81:10, 95:11, 95:17, 97:8, 98:1, 131:2, 154:22  <b>specification</b> [13] - 151:17, 151:19, 152:13, 152:14, 154:4, 154:11, 177:1, 177:23, 180:7, 180:20, 181:11, 189:9, 189:10  <b>specifications</b> [1] - 185:2  <b>specificity</b> [1] - 10:20  <b>specified</b> [1] - 17:19  <b>specify</b> [1] - 176:17  <b>speeding</b> [1] - 89:6  <b>spell</b> [2] - 3:18, 115:8  <b>spelling</b> [2] - 38:18, 38:19</p>	<p><b>spend</b> [2] - 49:21  <b>spent</b> [2] - 75:19, 147:18  <b>spite</b> [1] - 179:22  <b>spread</b> [2] - 9:13, 78:2  <b>Sprinkler</b> [4] - 6:15, 40:21, 52:19, 59:22  <b>sprinklered</b> [1] - 124:15  <b>sprinklers</b> [1] - 124:6  <b>square</b> [2] - 173:21, 173:22  <b>SR</b> [7] - 60:11, 155:3, 155:4, 155:7, 155:8, 183:10  <b>staff</b> [54] - 4:10, 6:1, 6:3, 6:8, 6:10, 6:11, 6:21, 6:23, 7:2, 44:17, 44:19, 45:2, 45:7, 45:11, 60:5, 61:3, 61:23, 62:4, 62:16, 62:21, 65:3, 65:12, 69:11, 70:15, 77:15, 77:18, 78:8, 95:16, 114:12, 115:18, 117:17, 117:19, 117:23, 118:5, 118:12, 118:14, 118:16, 118:21, 118:23, 119:9, 126:20, 126:23, 128:15, 156:6, 157:23, 159:3, 161:23, 168:2, 176:3, 190:1, 190:17, 193:4, 198:11  <b>stage</b> [3] - 156:4, 159:5, 162:9  <b>stagger</b> [1] - 18:5  <b>stakes</b> [1] - 184:15  <b>stand</b> [3] - 63:14, 86:4, 135:13  <b>standard</b> [53] - 9:8, 10:6, 13:8, 13:22, 16:4, 16:18, 21:3, 21:10, 23:22, 23:23, 24:12, 26:8, 27:11, 36:2, 44:22, 50:2, 108:8, 123:15, 128:10, 130:22, 131:4, 131:17, 132:8, 134:12, 140:8, 144:2, 144:5, 144:10, 145:10, 145:17, 151:5, 151:8, 151:20, 152:1, 154:3, 158:12, 163:3, 163:7, 163:23,</p>
---	--	--	---	---

<p>164:3, 164:10, 167:5, 177:23, 179:21, 181:18, 181:21, 183:11, 183:23, 187:4, 187:11, 192:15, 193:2, 195:5</p> <p><b>Standard</b> [1] - 75:14</p> <p><b>standardize</b> [1] - 139:21</p> <p><b>standardized</b> [1] - 133:5</p> <p><b>standards</b> [31] - 9:23, 22:6, 24:14, 24:17, 45:1, 75:10, 76:3, 86:19, 94:16, 99:8, 107:19, 110:4, 114:7, 132:15, 133:12, 133:15, 133:21, 152:5, 161:2, 163:14, 164:5, 168:12, 178:12, 183:1, 186:2, 187:8, 187:19, 188:15, 193:7, 197:2, 198:7</p> <p><b>STANDARDS</b> [1] - 1:5</p> <p><b>Standards</b> [28] - 3:4, 4:8, 7:21, 8:5, 9:2, 32:13, 39:5, 39:12, 69:9, 69:18, 70:23, 75:12, 114:16, 115:23, 116:8, 116:13, 116:16, 116:18, 116:20, 117:4, 128:12, 129:9, 130:8, 130:15, 133:17, 189:23, 191:19, 198:9</p> <p><b>standing</b> [2] - 53:15, 85:14</p> <p><b>standpoint</b> [2] - 15:2, 182:20</p> <p><b>stands</b> [1] - 130:12</p> <p><b>Stanham</b> [1] - 137:13</p> <p><b>STANHOPE</b> [10] - 119:4, 135:23, 136:11, 139:2, 139:8, 152:19, 157:13, 165:17, 169:6, 185:8</p> <p><b>stanhope</b> [7] - 157:11, 168:10, 169:1, 169:5, 170:18, 171:19, 185:7</p> <p><b>Stanhope</b> [7] - 119:4, 136:12, 148:13, 152:18, 157:13, 169:6, 180:4</p>	<p><b>STANTHAM</b> [1] - 137:14</p> <p><b>Stantham</b> [2] - 137:15, 140:20</p> <p><b>start</b> [13] - 3:23, 4:1, 4:3, 34:19, 41:9, 74:1, 115:11, 115:12, 135:17, 136:10, 179:7, 190:9</p> <p><b>started</b> [5] - 39:16, 40:8, 50:3, 104:8, 188:13</p> <p><b>State</b> [10] - 72:17, 92:16, 104:21, 119:2, 119:7, 142:5, 153:14, 167:14, 168:21, 175:11</p> <p><b>state</b> [9] - 3:13, 35:11, 40:15, 72:8, 73:4, 96:3, 115:2, 120:10, 183:13</p> <p><b>statement</b> [18] - 8:11, 21:18, 77:1, 84:7, 87:21, 92:22, 99:10, 101:23, 102:12, 130:9, 130:14, 141:4, 142:17, 159:13, 159:16, 163:14, 168:10, 185:20</p> <p><b>statements</b> [14] - 7:16, 38:22, 70:17, 74:21, 75:8, 76:6, 78:13, 78:17, 78:18, 90:13, 129:4, 179:6, 190:19, 190:20</p> <p><b>states</b> [1] - 103:21</p> <p><b>STATHAM</b> [1] - 139:11</p> <p><b>stating</b> [6] - 3:6, 37:18, 70:10, 94:12, 114:19, 190:14</p> <p><b>statistical</b> [1] - 99:23</p> <p><b>statistics</b> [3] - 162:21, 163:8, 163:16</p> <p><b>statutes</b> [1] - 133:14</p> <p><b>stay</b> [4] - 37:4, 55:20, 128:17, 190:3</p> <p><b>staying</b> [2] - 37:10, 70:1</p> <p><b>stenographer</b> [1] - 130:3</p> <p><b>stenographic</b> [1] - 199:8</p> <p><b>stenotypist</b> [5] - 3:9, 3:17, 38:17, 114:22, 115:6</p> <p><b>step</b> [1] - 91:4</p> <p><b>stepped</b> [1] - 68:20</p> <p><b>stepping</b> [1] - 91:3</p> <p><b>steps</b> [1] - 148:3</p>	<p><b>steve</b> [3] - 59:21, 155:17, 158:6</p> <p><b>Steve</b> [4] - 6:14, 118:17, 147:14, 154:1</p> <p><b>Steven</b> [2] - 40:18, 52:18</p> <p><b>stiff</b> [1] - 21:3</p> <p><b>still</b> [8] - 23:19, 23:21, 36:12, 52:2, 61:7, 100:11, 101:10, 183:18</p> <p><b>Sto</b> [2] - 5:7, 14:16</p> <p><b>stood</b> [1] - 166:20</p> <p><b>stop</b> [2] - 139:3, 139:8</p> <p><b>stopped</b> [2] - 57:11, 80:10</p> <p><b>stopping</b> [1] - 138:22</p> <p><b>stops</b> [1] - 16:8</p> <p><b>storage</b> [2] - 41:12, 46:2</p> <p><b>storages</b> [2] - 53:11, 53:12</p> <p><b>store</b> [1] - 105:13</p> <p><b>straight</b> [2] - 55:9, 170:12</p> <p><b>strange</b> [1] - 11:22</p> <p><b>strictly</b> [2] - 53:11, 93:19</p> <p><b>strikes</b> [1] - 179:12</p> <p><b>strong</b> [2] - 49:14, 55:17</p> <p><b>strongly</b> [3] - 89:18, 106:9, 182:7</p> <p><b>structure</b> [1] - 11:16</p> <p><b>struggle</b> [1] - 197:3</p> <p><b>stucco</b> [1] - 11:2</p> <p><b>students</b> [1] - 78:7</p> <p><b>studies</b> [1] - 141:14</p> <p><b>study</b> [8] - 141:8, 141:11, 141:12, 141:17, 141:19, 141:21, 141:22, 161:14</p> <p><b>stull</b> [4] - 151:14, 185:8, 196:1, 198:4</p> <p><b>STULL</b> [10] - 118:2, 143:18, 176:8, 178:11, 185:9, 191:3, 191:9, 192:3, 196:13, 196:20</p> <p><b>Stull</b> [13] - 118:2, 143:18, 151:14, 151:16, 176:9, 185:9, 191:1, 191:3, 191:9, 192:3, 196:6, 196:13, 196:20</p> <p><b>subcommittee</b> [1] - 49:12</p> <p><b>subject</b> [6] - 79:22,</p>	<p>89:1, 108:22, 142:11, 158:19, 176:19</p> <p><b>subjects</b> [1] - 55:18</p> <p><b>submit</b> [1] - 50:8</p> <p><b>submittal</b> [3] - 30:9, 48:22, 50:3</p> <p><b>submitted</b> [13] - 21:6, 41:17, 47:10, 47:17, 49:18, 51:15, 68:3, 85:11, 86:10, 130:13, 148:1, 154:20, 192:7</p> <p><b>submitter</b> [5] - 41:5, 50:7, 63:5, 132:18, 168:5</p> <p><b>submitting</b> [2] - 45:17, 168:7</p> <p><b>subsequent</b> [3] - 44:7, 93:4, 96:17</p> <p><b>substantial</b> [3] - 166:13, 166:15, 169:11</p> <p><b>substantially</b> [1] - 166:19</p> <p><b>substantiation</b> [1] - 75:7</p> <p><b>substrate</b> [1] - 15:6</p> <p><b>successful</b> [2] - 23:12, 132:1</p> <p><b>sudden</b> [1] - 171:20</p> <p><b>sufficient</b> [3] - 84:5, 84:8, 122:11</p> <p><b>suggest</b> [3] - 124:18, 146:22, 147:9</p> <p><b>suggested</b> [1] - 172:14</p> <p><b>suggesting</b> [2] - 54:19, 62:5</p> <p><b>suggestion</b> [1] - 170:21</p> <p><b>suggests</b> [1] - 54:16</p> <p><b>summarize</b> [4] - 8:22, 32:15, 104:8, 193:5</p> <p><b>summary</b> [2] - 32:20, 94:12</p> <p><b>supplies</b> [1] - 169:21</p> <p><b>support</b> [19] - 19:9, 21:20, 22:21, 22:23, 39:18, 53:16, 69:18, 72:1, 72:6, 73:15, 74:12, 76:16, 98:13, 120:4, 137:3, 137:9, 141:5, 191:6, 196:11</p> <p><b>supported</b> [3] - 96:4, 163:13, 170:13</p> <p><b>supporting</b> [2] - 22:1, 172:19</p> <p><b>suppose</b> [1] - 13:16</p> <p><b>supposed</b> [2] - 25:22,</p>	<p>33:12</p> <p><b>surface</b> [3] - 68:6, 173:17, 173:19</p> <p><b>surfaces</b> [1] - 9:18</p> <p><b>survives</b> [3] - 17:3, 17:4, 68:11</p> <p><b>sway</b> [3] - 30:4, 30:5, 30:12</p> <p><b>swinging</b> [3] - 73:14, 74:11, 75:21</p> <p><b>sync</b> [1] - 181:15</p> <p><b>system</b> [17] - 9:12, 10:6, 10:11, 10:14, 11:13, 14:9, 15:5, 15:6, 16:16, 17:22, 33:15, 44:7, 83:3, 153:12, 174:8, 181:20</p> <p><b>Systems</b> [1] - 5:1</p> <p><b>systems</b> [23] - 10:3, 10:22, 11:1, 11:2, 11:11, 11:15, 12:16, 12:23, 13:1, 13:4, 14:8, 14:21, 17:17, 17:18, 18:17, 19:1, 32:21, 32:22, 32:23, 33:2, 83:6, 83:11, 84:11</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>T-shirts</b> [2] - 141:20, 141:23</p> <p><b>tab</b> [1] - 101:23</p> <p><b>table</b> [8] - 4:2, 49:5, 64:3, 64:5, 64:9, 115:12, 138:21, 191:15</p> <p><b>talks</b> [1] - 181:14</p> <p><b>tall</b> [2] - 121:22, 122:12</p> <p><b>taller</b> [1] - 120:18</p> <p><b>tanks</b> [2] - 41:14, 46:3</p> <p><b>targeted</b> [1] - 56:14</p> <p><b>task</b> [15] - 34:23, 50:10, 50:11, 53:11, 136:18, 139:19, 142:7, 142:10, 158:1, 158:5, 158:16, 158:17, 160:2, 160:10, 180:5</p> <p><b>TC</b> [2] - 138:7, 139:17</p> <p><b>TCC</b> [6] - 121:12, 121:13, 122:15, 123:7, 123:8, 123:13</p> <p><b>teach</b> [1] - 110:3</p> <p><b>team</b> [1] - 94:7</p> <p><b>TEARNEY</b> [1] - 37:20</p> <p><b>tech</b> [4] - 18:21, 89:20,</p>
--	---	--	---	--

<p>90:8, 146:14</p> <p><b>Technical</b> [2] - 130:6, 130:19</p> <p><b>technical</b> [100] - 14:18, 19:4, 20:5, 20:7, 20:13, 38:2, 40:23, 41:1, 41:10, 41:12, 41:18, 42:11, 42:12, 42:14, 42:16, 42:21, 43:1, 43:2, 43:4, 43:6, 43:8, 44:11, 45:14, 46:2, 46:11, 46:18, 47:2, 47:4, 47:6, 47:11, 47:12, 47:23, 48:2, 48:7, 48:10, 48:11, 50:5, 50:19, 51:14, 51:17, 53:5, 55:1, 55:17, 55:22, 62:9, 63:20, 64:17, 64:19, 66:13, 66:19, 66:20, 79:16, 80:22, 82:16, 87:19, 87:22, 88:9, 89:3, 89:8, 91:6, 91:13, 95:8, 101:3, 104:7, 110:12, 111:9, 111:12, 112:19, 118:18, 125:18, 126:18, 130:18, 130:20, 131:2, 131:11, 132:21, 134:19, 134:22, 136:21, 142:6, 143:16, 144:16, 146:6, 146:7, 146:8, 146:18, 149:19, 154:2, 155:12, 155:23, 162:16, 163:12, 178:22, 183:2, 186:16, 186:19, 194:6, 194:9, 194:11, 197:2</p> <p><b>technique</b> [2] - 142:2, 170:20</p> <p><b>techniques</b> [2] - 139:22, 153:9</p> <p><b>technologies</b> [2] - 181:17, 184:9</p> <p><b>technology</b> [6] - 89:7, 175:9, 179:13, 179:15, 184:7, 184:13</p> <p><b>temperature</b> [1] - 171:11</p> <p><b>ten</b> [5] - 36:11, 36:12, 101:9, 137:5, 158:20</p> <p><b>Tencate</b> [6] - 117:22, 119:5, 136:12, 146:4, 157:14, 169:7</p>	<p><b>tentative</b> [1] - 192:8</p> <p><b>term</b> [1] - 15:7</p> <p><b>terminated</b> [2] - 15:5, 16:17</p> <p><b>terms</b> [4] - 31:9, 145:18, 186:18, 192:19</p> <p><b>Terry</b> [2] - 5:7, 14:15</p> <p><b>test</b> [132] - 9:6, 9:11, 9:14, 9:21, 9:22, 10:18, 11:5, 11:8, 11:12, 11:23, 12:5, 12:6, 12:9, 13:14, 13:17, 13:19, 14:5, 14:10, 14:11, 14:20, 14:23, 15:1, 15:16, 15:19, 16:2, 16:12, 17:4, 17:16, 18:22, 21:14, 21:16, 22:7, 22:9, 22:12, 25:16, 25:17, 26:1, 26:3, 26:8, 27:4, 27:6, 28:15, 28:16, 31:2, 31:7, 31:8, 34:3, 35:1, 35:18, 36:13, 52:22, 68:2, 130:22, 131:15, 136:16, 138:12, 140:8, 140:21, 141:1, 142:22, 143:9, 143:11, 145:3, 149:16, 150:3, 151:18, 151:22, 152:3, 152:12, 152:16, 153:15, 153:20, 154:6, 154:7, 154:9, 158:21, 159:1, 159:21, 159:23, 160:1, 161:17, 162:23, 163:21, 164:4, 165:19, 167:4, 167:12, 168:15, 168:19, 169:11, 169:16, 169:20, 170:6, 172:17, 172:22, 173:4, 176:13, 176:18, 177:4, 177:5, 177:15, 177:16, 177:17, 177:18, 178:6, 178:7, 179:2, 180:11, 181:9, 182:12, 184:23, 185:1, 187:1, 188:16, 189:4, 189:12, 192:11, 192:12, 192:20, 193:11, 193:15,</p>	<p>193:20, 193:23, 194:1, 194:17, 194:22, 195:1, 195:8, 195:17</p> <p><b>tested</b> [14] - 11:22, 12:20, 13:3, 14:8, 18:8, 21:17, 35:3, 36:1, 150:22, 166:1, 166:10, 166:11, 178:3, 178:4</p> <p><b>testify</b> [1] - 89:10</p> <p><b>testimony</b> [9] - 73:20, 74:15, 76:13, 89:11, 90:14, 92:17, 94:17, 106:18</p> <p><b>testing</b> [40] - 19:6, 49:13, 49:22, 88:16, 121:21, 122:1, 122:3, 122:6, 122:10, 122:20, 131:5, 135:6, 136:23, 137:2, 138:1, 138:13, 143:14, 149:2, 149:6, 149:7, 149:10, 149:11, 151:3, 151:6, 154:4, 160:9, 160:13, 164:10, 165:1, 165:3, 165:15, 169:8, 169:17, 179:13, 183:8, 184:7, 184:8, 184:17, 184:23, 188:2</p> <p><b>testings</b> [1] - 68:2</p> <p><b>tests</b> [18] - 13:6, 13:12, 17:2, 17:3, 18:22, 25:11, 27:7, 33:19, 34:14, 35:17, 35:21, 36:2, 36:5, 36:9, 49:18, 49:23, 165:5, 182:8</p> <p><b>text</b> [2] - 70:5, 97:12</p> <p><b>THE</b> [1] - 3:1</p> <p><b>theme</b> [1] - 94:13</p> <p><b>themselves</b> [2] - 44:20, 70:10</p> <p><b>themselves</b> [6] - 3:6, 27:6, 45:3, 66:15, 114:19, 147:1</p> <p><b>therefore</b> [5] - 12:4, 97:18, 102:19, 116:3, 194:1</p> <p><b>thermal</b> [8] - 130:22, 136:16, 137:1, 138:1, 138:9, 138:14, 139:22, 143:2</p> <p><b>they've</b> [1] - 160:19</p>	<p><b>third</b> [3] - 68:14, 125:3, 186:20</p> <p><b>thirds</b> [1] - 123:14</p> <p><b>thorough</b> [1] - 142:14</p> <p><b>thoroughly</b> [1] - 88:21</p> <p><b>thousand</b> [1] - 80:13</p> <p><b>threat</b> [3] - 98:18, 98:19, 113:23</p> <p><b>threats</b> [1] - 109:17</p> <p><b>three</b> [15] - 16:5, 33:11, 35:21, 68:18, 82:13, 123:16, 124:14, 124:17, 125:9, 141:9, 141:18, 146:8, 152:20, 169:10, 169:16</p> <p><b>three-foot</b> [1] - 33:11</p> <p><b>threshold</b> [2] - 177:13, 178:9</p> <p><b>threw</b> [1] - 48:4</p> <p><b>throughout</b> [6] - 91:10, 91:14, 92:7, 112:23, 124:15, 152:2</p> <p><b>thrown</b> [1] - 28:9</p> <p><b>thumb</b> [2] - 81:8</p> <p><b>TIA</b> [6] - 26:18, 26:20, 98:8, 191:7, 196:8, 196:12</p> <p><b>TIAs</b> [1] - 98:9</p> <p><b>tied</b> [1] - 15:5</p> <p><b>tight</b> [2] - 163:13, 172:18</p> <p><b>timing</b> [1] - 101:6</p> <p><b>today</b> [18] - 5:2, 5:8, 20:21, 25:11, 35:7, 36:14, 89:10, 94:18, 100:12, 100:17, 100:19, 136:6, 140:18, 145:12, 145:22, 152:21, 153:23, 195:22</p> <p><b>today's</b> [4] - 11:16, 79:23, 103:15, 111:16</p> <p><b>together</b> [2] - 177:17, 188:18</p> <p><b>Tompson</b> [1] - 116:4</p> <p><b>took</b> [8] - 32:1, 48:1, 66:14, 95:1, 96:7, 147:19, 148:3, 186:11</p> <p><b>top</b> [5] - 16:1, 33:9, 81:3, 111:19, 142:22</p> <p><b>topic</b> [3] - 99:12, 103:15, 128:20</p> <p><b>torn</b> [1] - 56:5</p> <p><b>total</b> [4] - 40:10, 71:5, 71:9, 119:18</p>	<p><b>touch</b> [1] - 181:16</p> <p><b>toys</b> [1] - 146:6</p> <p><b>Tracey</b> [1] - 6:9</p> <p><b>track</b> [1] - 129:19</p> <p><b>trade</b> [2] - 133:2, 157:7</p> <p><b>trademark</b> [1] - 134:4</p> <p><b>transcript</b> [1] - 80:14</p> <p><b>transcription</b> [1] - 199:8</p> <p><b>transcripts</b> [1] - 122:23</p> <p><b>transfer</b> [1] - 174:23</p> <p><b>transparency</b> [2] - 146:1, 186:16</p> <p><b>trays</b> [1] - 16:8</p> <p><b>treated</b> [1] - 79:9</p> <p><b>treatment</b> [1] - 132:22</p> <p><b>TREVINO</b> [3] - 5:3, 17:10, 35:13</p> <p><b>Trevino</b> [3] - 5:3, 17:12, 35:13</p> <p><b>tried</b> [3] - 10:10, 26:17, 104:12</p> <p><b>true</b> [1] - 199:7</p> <p><b>truly</b> [1] - 106:22</p> <p><b>trust</b> [4] - 44:21, 130:11, 187:19</p> <p><b>try</b> [16] - 10:17, 10:19, 12:21, 25:1, 33:17, 55:19, 55:20, 58:4, 71:19, 86:20, 129:20, 136:19, 139:18, 145:2, 166:20, 194:20</p> <p><b>trying</b> [19] - 19:3, 27:4, 31:17, 34:20, 35:1, 56:6, 58:11, 90:4, 90:12, 99:21, 103:13, 105:16, 110:18, 148:17, 148:23, 164:23, 167:22, 197:11, 197:14</p> <p><b>TTP</b> [1] - 167:4</p> <p><b>Tuesday</b> [1] - 1:17</p> <p><b>turn</b> [12] - 7:12, 8:14, 37:5, 40:17, 52:13, 81:8, 93:18, 93:22, 164:18, 173:10, 190:4</p> <p><b>turned</b> [3] - 10:1, 180:4, 181:10</p> <p><b>tweak</b> [1] - 102:2</p> <p><b>two</b> [55] - 16:7, 17:6, 22:5, 27:7, 42:3, 43:6, 43:20, 48:10, 48:19, 54:13, 66:5, 66:18, 75:3, 76:21, 77:3, 81:15, 82:10,</p>
--	---	--	---	---

<p>83:17, 83:21, 84:2, 84:8, 85:18, 85:20, 93:17, 99:4, 100:2, 108:12, 108:21, 109:19, 110:23, 111:11, 111:22, 113:11, 113:17, 121:23, 123:14, 125:1, 126:7, 141:11, 141:13, 142:7, 142:17, 152:22, 155:7, 166:18, 169:13, 169:19, 174:13, 175:5, 175:19, 179:18, 181:23, 183:6, 189:1</p> <p><b>two-part</b> [2] - 83:21, 109:19</p> <p><b>two-thirds</b> [1] - 123:14</p> <p><b>type</b> [5] - 10:13, 14:5, 14:21, 44:7, 124:12</p> <p><b>types</b> [10] - 10:23, 13:4, 14:7, 26:10, 33:19, 34:8, 83:9, 146:9, 151:21, 187:15</p> <p><b>typical</b> [3] - 10:7, 23:20, 104:17</p> <p><b>typically</b> [7] - 10:4, 12:14, 12:19, 25:16, 33:20, 113:8, 113:21</p>	<p>149:18, 153:1, 179:1, 180:5</p> <p><b>underpinnings</b> [1] - 19:4</p> <p><b>underside</b> [1] - 21:7</p> <p><b>understood</b> [3] - 56:7, 99:21, 123:22</p> <p><b>undertaken</b> [1] - 160:19</p> <p><b>undertaking</b> [2] - 153:4, 161:5</p> <p><b>Underwriters</b> [1] - 147:15</p> <p><b>undoubtedly</b> [1] - 78:19</p> <p><b>unfamiliar</b> [2] - 77:10, 131:12</p> <p><b>unfortunate</b> [3] - 91:2, 138:19, 139:14</p> <p><b>unfortunately</b> [8] - 131:6, 131:17, 134:13, 134:17, 138:17, 180:15, 181:11, 182:10</p> <p><b>uniform</b> [2] - 9:22, 166:23</p> <p><b>Uniformity</b> [1] - 75:11</p> <p><b>unique</b> [1] - 15:7</p> <p><b>unit</b> [1] - 113:17</p> <p><b>universally</b> [2] - 112:23, 195:3</p> <p><b>University</b> [10] - 118:9, 119:2, 119:7, 140:5, 142:5, 153:6, 153:14, 161:9, 170:16, 173:12</p> <p><b>unjustified</b> [1] - 131:6</p> <p><b>unless</b> [3] - 60:13, 80:8, 153:17</p> <p><b>unlikely</b> [1] - 77:7</p> <p><b>unnecessarily</b> [1] - 101:3</p> <p><b>unrealistic</b> [1] - 80:19</p> <p><b>unrelated</b> [1] - 197:1</p> <p><b>unsubstantiated</b> [1] - 78:18</p> <p><b>unusual</b> [1] - 57:18</p> <p><b>unwanted</b> [5] - 102:5, 102:8, 102:9, 102:13, 102:19</p> <p><b>up</b> [55] - 6:5, 8:18, 10:11, 11:21, 12:7, 18:5, 27:17, 27:20, 28:3, 28:8, 28:21, 31:14, 31:22, 32:8, 35:2, 36:7, 40:11, 41:3, 50:13, 52:8, 53:23, 59:2, 60:3, 61:13, 61:20, 62:21, 69:3, 71:7, 72:23,</p>	<p>73:17, 80:23, 88:22, 89:6, 101:13, 105:7, 111:6, 111:10, 112:15, 119:20, 129:22, 130:10, 136:3, 136:19, 137:6, 148:11, 149:23, 155:10, 155:14, 171:19, 178:11, 179:6, 185:21, 187:7, 197:3, 197:14</p> <p><b>update</b> [1] - 24:16</p> <p><b>updated</b> [1] - 24:19</p> <p><b>updating</b> [1] - 158:11</p> <p><b>upgrade</b> [6] - 79:18, 80:2, 81:20, 103:3, 161:16, 183:22</p> <p><b>upgraded</b> [1] - 102:21</p> <p><b>upheld</b> [2] - 106:19, 106:23</p> <p><b>urge</b> [3] - 89:7, 91:5, 189:13</p> <p><b>US</b> [2] - 11:19, 185:3</p> <p><b>USA</b> [1] - 132:2</p> <p><b>Usable</b> [1] - 75:14</p> <p><b>user</b> [2] - 97:13, 177:21</p> <p><b>users</b> [3] - 88:18, 142:23, 166:22</p> <p><b>uses</b> [3] - 107:2, 138:3, 142:15</p> <p><b>utilized</b> [1] - 130:21</p>	<p><b>variables</b> [1] - 163:22</p> <p><b>variation</b> [31] - 131:4, 136:15, 140:1, 143:7, 143:13, 151:9, 162:21, 163:1, 163:3, 163:4, 163:7, 163:8, 163:15, 163:18, 163:21, 164:2, 165:1, 165:11, 165:19, 167:12, 168:19, 169:7, 170:3, 180:13, 182:12, 182:13, 182:14, 182:15, 184:3, 184:19, 184:20</p> <p><b>variations</b> [3] - 162:23, 163:12, 172:17</p> <p><b>varies</b> [1] - 184:11</p> <p><b>variety</b> [2] - 186:21, 197:12</p> <p><b>various</b> [8] - 13:7, 14:7, 20:19, 31:9, 33:1, 33:14, 58:8, 58:9</p> <p><b>VECERELLI</b> [1] - 117:23</p> <p><b>veneer</b> [1] - 33:2</p> <p><b>veneers</b> [1] - 11:3</p> <p><b>verbal</b> [1] - 90:14</p> <p><b>verification</b> [1] - 159:23</p> <p><b>versus</b> [2] - 85:20, 110:23</p> <p><b>vertical</b> [2] - 9:12, 33:7</p> <p><b>vet</b> [1] - 49:12</p> <p><b>VETERELLI</b> [1] - 6:9</p> <p><b>Veterelli</b> [1] - 6:9</p> <p><b>vetted</b> [5] - 49:10, 50:17, 51:8, 57:12, 147:21</p> <p><b>vetting</b> [1] - 55:23</p> <p><b>Victor</b> [3] - 38:1, 38:4, 87:18</p> <p><b>victor</b> [2] - 104:6, 104:20</p> <p><b>view</b> [4] - 162:15, 164:23, 165:14, 171:13</p> <p><b>viewed</b> [1] - 124:17</p> <p><b>views</b> [2] - 28:23, 128:9</p> <p><b>Vincent</b> [2] - 72:16, 92:14</p> <p><b>VINESS</b> [3] - 5:7, 14:15, 17:8</p> <p><b>Viness</b> [2] - 5:7, 14:15</p> <p><b>violate</b> [4] - 75:5, 90:1,</p>	<p>99:7</p> <p><b>violates</b> [1] - 90:13</p> <p><b>violating</b> [1] - 107:18</p> <p><b>violation</b> [1] - 130:16</p> <p><b>violent</b> [1] - 109:10</p> <p><b>virtually</b> [1] - 78:3</p> <p><b>vital</b> [1] - 8:23</p> <p><b>VOICE</b> [1] - 50:14</p> <p><b>voice</b> [1] - 45:21</p> <p><b>voices</b> [1] - 43:20</p> <p><b>volume</b> [1] - 16:9</p> <p><b>volunteered</b> [1] - 34:22</p> <p><b>volunteers</b> [2] - 158:18, 158:20</p> <p><b>vote</b> [29] - 41:10, 46:7, 46:8, 46:14, 46:17, 46:19, 47:17, 49:1, 51:11, 51:13, 51:23, 52:14, 55:3, 56:8, 60:11, 66:4, 66:11, 67:2, 67:4, 68:22, 121:18, 123:13, 125:8, 126:19, 137:10, 140:14, 194:6, 194:11</p> <p><b>voted</b> [29] - 41:14, 42:3, 42:23, 43:18, 46:20, 47:12, 48:3, 48:12, 48:13, 50:21, 50:23, 52:3, 53:5, 54:1, 55:1, 56:8, 62:10, 63:20, 67:1, 76:9, 92:6, 95:14, 96:15, 122:18, 123:6, 126:19, 127:7, 137:2, 155:5</p> <p><b>voters</b> [2] - 74:17, 140:16</p> <p><b>votes</b> [9] - 46:11, 53:20, 60:18, 66:3, 76:7, 78:14, 78:19, 89:17, 122:2</p> <p><b>voting</b> [17] - 7:9, 7:22, 8:6, 39:6, 39:13, 46:15, 68:7, 71:1, 90:2, 90:6, 116:1, 116:14, 117:5, 128:23, 129:10, 140:16, 191:21</p>	
<b>U</b>		<b>V</b>			
<p><b>UL</b> [4] - 118:17, 154:1, 158:6, 184:2</p> <p><b>ultimately</b> [2] - 47:15, 138:6</p> <p><b>unacceptable</b> [3] - 135:9, 168:12, 177:14</p> <p><b>unanimous</b> [2] - 62:10, 66:3</p> <p><b>unanimously</b> [1] - 43:1</p> <p><b>unbalanced</b> [1] - 88:7</p> <p><b>unbeknownst</b> [1] - 24:15</p> <p><b>uncertainties</b> [1] - 142:16</p> <p><b>uncertainty</b> [1] - 131:14</p> <p><b>unchallenged</b> [1] - 76:6</p> <p><b>unclear</b> [1] - 31:9</p> <p><b>under</b> [10] - 47:21, 83:1, 83:4, 100:22, 109:6, 133:9,</p>	<p><b>unjustified</b> [1] - 131:6</p> <p><b>unless</b> [3] - 60:13, 80:8, 153:17</p> <p><b>unlikely</b> [1] - 77:7</p> <p><b>unnecessarily</b> [1] - 101:3</p> <p><b>unrealistic</b> [1] - 80:19</p> <p><b>unrelated</b> [1] - 197:1</p> <p><b>unsubstantiated</b> [1] - 78:18</p> <p><b>unusual</b> [1] - 57:18</p> <p><b>unwanted</b> [5] - 102:5, 102:8, 102:9, 102:13, 102:19</p> <p><b>up</b> [55] - 6:5, 8:18, 10:11, 11:21, 12:7, 18:5, 27:17, 27:20, 28:3, 28:8, 28:21, 31:14, 31:22, 32:8, 35:2, 36:7, 40:11, 41:3, 50:13, 52:8, 53:23, 59:2, 60:3, 61:13, 61:20, 62:21, 69:3, 71:7, 72:23,</p>	<p><b>vacation</b> [1] - 123:9</p> <p><b>Val</b> [1] - 118:1</p> <p><b>val</b> [1] - 6:11</p> <p><b>valid</b> [2] - 13:15, 67:18</p> <p><b>validate</b> [1] - 50:8</p> <p><b>valuable</b> [2] - 69:17, 198:5</p> <p><b>value</b> [8] - 151:4, 167:7, 177:15, 177:16, 178:2, 178:7, 180:17, 184:5</p> <p><b>values</b> [12] - 28:9, 142:10, 150:19, 166:18, 167:7, 168:11, 168:17, 169:12, 169:18, 170:1, 170:10</p> <p><b>variability</b> [5] - 138:15, 159:1, 159:20, 166:22, 180:13</p> <p><b>variable</b> [2] - 138:18, 187:2</p>	<p><b>variables</b> [1] - 163:22</p> <p><b>variation</b> [31] - 131:4, 136:15, 140:1, 143:7, 143:13, 151:9, 162:21, 163:1, 163:3, 163:4, 163:7, 163:8, 163:15, 163:18, 163:21, 164:2, 165:1, 165:11, 165:19, 167:12, 168:19, 169:7, 170:3, 180:13, 182:12, 182:13, 182:14, 182:15, 184:3, 184:19, 184:20</p> <p><b>variations</b> [3] - 162:23, 163:12, 172:17</p> <p><b>varies</b> [1] - 184:11</p> <p><b>variety</b> [2] - 186:21, 197:12</p> <p><b>various</b> [8] - 13:7, 14:7, 20:19, 31:9, 33:1, 33:14, 58:8, 58:9</p> <p><b>VECERELLI</b> [1] - 117:23</p> <p><b>veneer</b> [1] - 33:2</p> <p><b>veneers</b> [1] - 11:3</p> <p><b>verbal</b> [1] - 90:14</p> <p><b>verification</b> [1] - 159:23</p> <p><b>versus</b> [2] - 85:20, 110:23</p> <p><b>vertical</b> [2] - 9:12, 33:7</p> <p><b>vet</b> [1] - 49:12</p> <p><b>VETERELLI</b> [1] - 6:9</p> <p><b>Veterelli</b> [1] - 6:9</p> <p><b>vetted</b> [5] - 49:10, 50:17, 51:8, 57:12, 147:21</p> <p><b>vetting</b> [1] - 55:23</p> <p><b>Victor</b> [3] - 38:1, 38:4, 87:18</p> <p><b>victor</b> [2] - 104:6, 104:20</p> <p><b>view</b> [4] - 162:15, 164:23, 165:14, 171:13</p> <p><b>viewed</b> [1] - 124:17</p> <p><b>views</b> [2] - 28:23, 128:9</p> <p><b>Vincent</b> [2] - 72:16, 92:14</p> <p><b>VINESS</b> [3] - 5:7, 14:15, 17:8</p> <p><b>Viness</b> [2] - 5:7, 14:15</p> <p><b>violate</b> [4] - 75:5, 90:1,</p>	<p>99:7</p> <p><b>violates</b> [1] - 90:13</p> <p><b>violating</b> [1] - 107:18</p> <p><b>violation</b> [1] - 130:16</p> <p><b>violent</b> [1] - 109:10</p> <p><b>virtually</b> [1] - 78:3</p> <p><b>vital</b> [1] - 8:23</p> <p><b>VOICE</b> [1] - 50:14</p> <p><b>voice</b> [1] - 45:21</p> <p><b>voices</b> [1] - 43:20</p> <p><b>volume</b> [1] - 16:9</p> <p><b>volunteered</b> [1] - 34:22</p> <p><b>volunteers</b> [2] - 158:18, 158:20</p> <p><b>vote</b> [29] - 41:10, 46:7, 46:8, 46:14, 46:17, 46:19, 47:17, 49:1, 51:11, 51:13, 51:23, 52:14, 55:3, 56:8, 60:11, 66:4, 66:11, 67:2, 67:4, 68:22, 121:18, 123:13, 125:8, 126:19, 137:10, 140:14, 194:6, 194:11</p> <p><b>voted</b> [29] - 41:14, 42:3, 42:23, 43:18, 46:20, 47:12, 48:3, 48:12, 48:13, 50:21, 50:23, 52:3, 53:5, 54:1, 55:1, 56:8, 62:10, 63:20, 67:1, 76:9, 92:6, 95:14, 96:15, 122:18, 123:6, 126:19, 127:7, 137:2, 155:5</p> <p><b>voters</b> [2] - 74:17, 140:16</p> <p><b>votes</b> [9] - 46:11, 53:20, 60:18, 66:3, 76:7, 78:14, 78:19, 89:17, 122:2</p> <p><b>voting</b> [17] - 7:9, 7:22, 8:6, 39:6, 39:13, 46:15, 68:7, 71:1, 90:2, 90:6, 116:1, 116:14, 117:5, 128:23, 129:10, 140:16, 191:21</p>	
				<b>W</b>	
<p><b>wait</b> [1] - 165:20</p> <p><b>waited</b> [3] - 56:10, 56:22, 57:8</p> <p><b>waiting</b> [1] - 170:8</p> <p><b>wall</b> [20] - 9:12, 9:14, 9:17, 9:18, 10:3,</p>				<p><b>wait</b> [1] - 165:20</p> <p><b>waited</b> [3] - 56:10, 56:22, 57:8</p> <p><b>waiting</b> [1] - 170:8</p> <p><b>wall</b> [20] - 9:12, 9:14, 9:17, 9:18, 10:3,</p>	

<p>10:4, 10:22, 11:11, 12:7, 14:7, 14:9, 15:6, 15:13, 15:23, 17:16, 17:20, 25:18, 29:18, 33:15</p> <p><b>walls</b> [11] - 18:7, 25:15, 25:17, 26:11, 29:12, 31:9, 35:2, 36:1, 36:6, 36:11, 36:13</p> <p><b>wants</b> [8] - 11:13, 12:1, 59:15, 103:3, 107:12, 149:12, 169:17, 196:3</p> <p><b>warehousing</b> [2] - 41:13, 46:3</p> <p><b>warning</b> [2] - 129:21, 135:20</p> <p><b>watch</b> [2] - 139:3, 139:8</p> <p><b>watching</b> [1] - 55:10</p> <p><b>ways</b> [7] - 11:3, 11:4, 12:20, 144:7, 182:22, 188:23</p> <p><b>weak</b> [1] - 12:17</p> <p><b>weather</b> [1] - 18:2</p> <p><b>week</b> [1] - 93:11</p> <p><b>weeks</b> [2] - 36:23, 190:1</p> <p><b>weight</b> [1] - 66:10</p> <p><b>welcome</b> [1] - 8:7</p> <p><b>whatsoever</b> [1] - 167:20</p> <p><b>wheel</b> [1] - 105:16</p> <p><b>whereas</b> [2] - 171:16, 195:10</p> <p><b>wherein</b> [1] - 109:5</p> <p><b>whichever</b> [1] - 110:5</p> <p><b>white</b> [1] - 106:3</p> <p><b>whole</b> [3] - 8:17, 66:18, 67:5</p> <p><b>wholeheartedly</b> [1] - 147:22</p> <p><b>wide</b> [3] - 9:15, 142:11, 143:6</p> <p><b>wind</b> [1] - 32:8</p> <p><b>window</b> [12] - 9:18, 12:14, 12:17, 12:19, 15:21, 15:22, 16:6, 16:13, 25:19, 29:9, 29:19, 33:8</p> <p><b>windows</b> [1] - 12:15</p> <p><b>winner</b> [1] - 168:22</p> <p><b>wish</b> [3] - 19:13, 34:18, 86:12</p> <p><b>wished</b> [1] - 92:1</p> <p><b>wishes</b> [4] - 14:14, 17:7, 47:5, 166:2</p> <p><b>wishing</b> [1] - 147:12</p> <p><b>WOESTMAN</b> [5] -</p>	<p>38:8, 72:10, 84:20, 99:14, 110:9</p> <p><b>Woestman</b> [6] - 38:8, 72:10, 76:14, 84:21, 99:14, 110:9</p> <p><b>Woestman's</b> [1] - 107:20</p> <p><b>Wolen</b> [1] - 40:16</p> <p><b>wolin</b> [6] - 6:14, 54:5, 56:17, 59:19, 61:21, 65:3</p> <p><b>WOLIN</b> [13] - 39:23, 40:18, 50:10, 52:18, 54:12, 59:20, 62:5, 63:3, 63:16, 64:15, 65:14, 65:22, 69:23</p> <p><b>Wolin</b> [10] - 6:14, 39:17, 40:19, 48:16, 52:18, 56:6, 59:21, 63:9, 64:13, 65:20</p> <p><b>Wolin's</b> [1] - 51:22</p> <p><b>wonder</b> [1] - 97:14</p> <p><b>wondering</b> [1] - 85:7</p> <p><b>wood</b> [2] - 120:18, 121:23</p> <p><b>Wood</b> [3] - 70:13, 116:22, 120:14</p> <p><b>word</b> [1] - 75:1</p> <p><b>wording</b> [3] - 12:3, 25:6, 29:8</p> <p><b>words</b> [8] - 10:7, 66:19, 76:10, 76:20, 79:15, 80:3, 132:5, 180:9</p> <p><b>workers</b> [1] - 137:18</p> <p><b>works</b> [2] - 13:21, 173:18</p> <p><b>workshop</b> [1] - 94:11</p> <p><b>world</b> [6] - 10:16, 11:17, 102:7, 182:9, 183:19, 184:6</p> <p><b>worn</b> [1] - 137:18</p> <p><b>worse</b> [4] - 11:14, 12:22, 12:23, 83:7</p> <p><b>worst</b> [4] - 16:2, 19:2, 19:3, 135:1</p> <p><b>woven</b> [1] - 16:22</p> <p><b>wrap</b> [3] - 15:9, 15:13, 15:18</p> <p><b>wrapping</b> [2] - 15:7, 17:3</p> <p><b>write</b> [2] - 103:23, 178:12</p> <p><b>writing</b> [8] - 36:22, 37:3, 69:10, 114:10, 128:13, 185:1, 189:22, 198:10</p> <p><b>written</b> [11] - 8:10, 51:13, 52:4, 59:5, 65:16, 69:1, 79:15,</p>	<p>86:2, 86:10, 92:17, 154:14</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p><b>XPSA</b> [2] - 5:10, 18:12</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>year</b> [7] - 9:7, 24:17, 78:1, 78:9, 101:9, 136:17, 156:1</p> <p><b>years</b> [27] - 12:13, 13:3, 13:21, 36:12, 41:1, 44:1, 67:22, 75:18, 86:15, 88:3, 100:12, 101:9, 101:21, 102:4, 166:18, 169:13, 169:19, 170:1, 174:13, 175:6, 175:19, 175:21, 176:11, 185:16, 188:14</p> <p><b>yelled</b> [1] - 137:12</p> <p><b>yourself</b> [6] - 19:19, 29:15, 37:17, 54:10, 57:1, 190:13</p> <p><b>yourselves</b> [1] - 111:8</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>zero</b> [2] - 146:16</p>
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