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Dawn Michele Bellis
Secretary, Standards Council

27 August 2018

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#18-2
Standards Council Agenda Item:	SC#18-8-5-a-1, b-1
Date of Decision*:	14 August 2018
NFPA 110, <i>Standard for Emergency and Standby Power Systems</i> , 2019 Edition	

Dear Interested Parties:

At its meeting of August 13-15, 2018, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

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

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: S. Everett, L. Fuller, S. Gallagher, C. Coache, S. Frost
Members, CC National Electrical Code® (NEC-AAC)
Members, TC Emergency Power Supplies (EPS-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's standards development process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



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SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to overturn the Technical Committee amendment ballot results on CAM 110-1 and CAM 110-2 which accept Public Comment Nos. 3 and 4, respectively, as passed on the floor of the NFPA Technical Meeting.

DECISION:

At its meeting of August 13-15, 2018, the Standards Council considered an appeal from Walter Vernon, Mazzetti, Inc. The appeal requests that the Standards Council overturn the Technical Committee amendment ballot results on Certified Amending Motions 110-1 and 110-2 for the 2019 Edition of NFPA 110, *Standard for Emergency and Standby Power Systems*. Specifically, the appeal requests acceptance of Public Comment Nos. 3 and 4 related to fuel cells as emergency power systems.

As background, the Technical Committee rejected Public Comment Nos. 3 and 4. Mr. Vernon filed Notices of Intention to Make a Motion (NITMAMs) in accordance with the *Regulations Governing the Development of NFPA Standards* (“Regs”), which were certified by the Motions Committee as Certified Amending Motions 110-1 and 110-2. Both CAMs 110-1 and 110-2 passed on the floor of the NFPA Technical Meeting by votes of 238-137 and 331-45, respectively. However, amendment ballot CAM 110-1 failed to achieve the necessary $\frac{2}{3}$ affirmative vote of the Technical Committee to recommend approval of the Association action. CAM 110-2 also failed to achieve the necessary $\frac{2}{3}$ affirmative vote of the Technical Committee for recommendation. The Correlating Committee amendment ballot results, in contrast, achieved the necessary $\frac{3}{4}$ affirmative vote to recommend approval of the Association actions respectively for CAM 110-1 and CAM 110-2.

The text subject to this appeal failed to achieve sufficient support within the standards development process for inclusion in the 2019 edition of NFPA 110, *Standard for Emergency and Standby Power Systems*. The appeal requests that the Council overturn the result yielded by the standards development process. On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the NFPA 110, *Standard for Emergency and Standby Power Systems*, 2019 edition will not include the text of Public Comment Nos. 3 and 4.

Council Members Daniel O’Connor, Chad Beebe and Michael Johnston recused themselves from the deliberations and vote on the appeal.