



NATIONAL FIRE PROTECTION ASSOCIATION

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Dawn Michele Bellis
Secretary, Standards Council

27 August 2018

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#18-6
Standards Council Agenda Item:	SC#18-8-14-d
Date of Decision*:	14 August 2018
TIA No. 1378 on NFPA 10, <i>Standard for Portable Fire Extinguishers</i> , 2018 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, B. O'Connor, R. Solomon
Members, TC Portable Fire Extinguishers (PFE-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 (Regs.) and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Since this Council decision is not "related to the issuance of a document" as referenced in 1.7.2 of the Regs., notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within a reasonable time period.



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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 results yielded by the standards development process and issue TIA No. 1378 on NFPA 10, *Standard for Portable Fire Extinguishers*, 2018 Edition.

DECISION:

At its meeting of August 13-15, 2018, the Standards Council considered an appeal from John McSheffrey of en-Gauge, Inc. The appeal requests that the Standards Council overturn the Technical Committee action on TIA No.1378 submitted on the 2018 Edition of NFPA 10, *Standard for Portable Fire Extinguishers*. Specifically, the appeal requests that the Standards Council issue TIA No. 1378, which seeks to restore text from the 2010 edition of NFPA 10 regarding electronic monitoring of portable fire extinguishers.

As background, during the revision cycle for the 2010 edition of NFPA 10, en-Gauge, Inc. was an active participant, including serving on a task group working to create proposed text for electronic monitoring of fire extinguishers. Since that time, through two subsequent revision cycles, NFPA 10 text has been amended through the standards development process, including requirements related to the electronic monitoring of portable fire extinguishers. Upon becoming aware of these changes in March 2018, Mr. McSheffrey submitted TIA No. 1378, which seeks to amend the 2018 edition of NFPA 10, *Standard for Portable Fire Extinguishers*, by restoring identified text from the 2010 edition of NFPA 10. Specifically, the TIA seeks to restore text that permitted electronic monitoring as a method of fire extinguisher inspection without prior AHJ approval, as well as a number of other requirements related to the maintenance and inspection of the electronic monitoring technology that existed in the 2010 edition of NFPA 10.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. The Council acknowledges that there are differing technical arguments regarding safety concerns related to fire extinguisher inspection. Some stakeholders, including en-Gauge, Inc., commented that electronic monitoring of fire extinguishers is safer than a monthly manual or in-person inspection because it provides 24/7 monitoring of extinguishers and reduces the risk of missing required inspections. Others commented that the electronic monitoring technology is not capable of addressing all safety requirements necessary for an effective inspection. Public comments received on the TIA supported both positions regarding safety concerns related to fire extinguisher inspections. Several members of the Technical Committee also noted the substantial changes proposed by the TIA did not address the technical matters raised by Mr. McSheffrey and warranted further discussion and technical review.

On appeal, the Council accords great respect and deference to the NFPA standards development process. In the view of the Council, this appeal does not present a 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 decision is that the language proposed in TIA No. 1378 will not be included in NFPA 10, *Standard for Portable Fire Extinguishers*, 2018 Edition.

However, in light of the disparate comments and testimony regarding safety concerns as they relate to the

monitoring technology, the Council finds that the subject matter of the TIA warrants further consideration. Therefore, the Council directs NFPA staff to form a balanced task group to evaluate and report back to Council by November 1, 2018 whether a TIA related to electronic monitoring should be developed, and if so, to develop a proposed TIA. If the task group finds a TIA should not be developed, Council directs the task group to identify the technical substantiation that informed the task group's decision.

Mr. McSheffrey stated at the hearing and in his appeal that he believes the changes to the requirements for electronic monitoring in NFPA 10 have been influenced by financial or business interests among Technical Committee members that have aligned to yield the current text of NFPA 10. Without drawing any specific conclusion about these allegations, but to ensure there are no latent financial ties among or between any technical members, the Council directs NFPA staff to gain additional information of the business interests and financial relationships among Technical Committee members and their respective organizations.

Finally, the Council notes that, although previously an active participant in the NFPA standards development process related to NFPA 10, en-Gauge, Inc. had not participated in the 2013 and 2016 revision cycles. The Council strongly encourages en-Gauge, Inc. to continue its renewed participation in the process, for example, the revision of the 2022 edition of NFPA 10 is presently open for Public Input through June 26, 2019. In a related action, Council reviewed the application of James Rose, a representative of en-Gauge, Inc., at its August meeting and has appointed him to the Technical Committee on Portable Fire Extinguishers.