



*Dawn Michele Bellis*  
Secretary, Standards Council

21 August 2019\*

To: Interested Parties

Subject:

|  |                       |
|--|-----------------------|
| Standards Council Decision (Final):  | <b>D#19-10</b>        |
| Standards Council Agenda Item:   | <b>SC#19-8-3-ee-1</b> |
| Date of Decision:  | 6 August 2019         |
| NFPA 70 <sup>®</sup> , <i>National Electrical Code</i> <sup>®</sup> , 2020 Edition |                       |

Dear Interested Parties:

At its meeting of August 5-7, 2019, 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, reading "Dawn Michele Bellis", is positioned below the word "Sincerely,".

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, L. Fuller, M. Earley, J. Sargent, G. Frost  
Members, Code-Making Panel 4 (NEC-P04)  
Members, NEC Correlating Committee (NEC-AAC)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

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\*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 publication date of this Decision.



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 upon which to overturn the results yielded by the NFPA standards development process. The Council finds that the Motions Committee acted within its authority to correct the record and the motion was publicly available prior to the Technical Meeting in the Agenda.

On one hand, if the Council were to follow Mr. Fisher's suggestion and reject the NITMAM, it would unfairly prevent an objection from coming before the NFPA membership because of a staff error. Council also notes that the NFPA membership supported CAM 70-46 by a wide margin on the floor of the Technical Meeting.

On the other hand, the failure to update the Motions Committee Report to reflect the changes to the CAM, could have disadvantaged Mr. Fisher because he was relying on the Report for the list of CAMs to be presented. At the hearing, Council inquired as to what would have been different for Mr. Fisher had he been aware sooner of the CAM at issue and Mr. Fisher reported that he would not have likely taken different actions leading up to the Technical Meeting.

For these reasons, Council finds that any error in failing to update the Motions Committee Report does not warrant overturning the process. Council also notes that there is no apparent consensus among the NFPA membership, CMP 4 and the Correlating Committee with regard to Section 705.11(F), and for that reason, yielding to the standards development process and returning to previous edition text is the last point of agreement among the materially affected interests.

Accordingly, the Council has voted to deny the appeal. The effect of this action is that the 2020 Edition of NFPA 70, *National Electrical Code* will not include the Identifiable Part of Public Comment No. 315 and Section 705.11(F) will return to previous edition text.

Council directs NFPA staff to update both the Motions Committee Report and the Agenda when the Motions Committee approves changes after the Report's initial posting (and in accordance with the *Regs*).

Council Member Michael Johnston recused himself from the deliberations and vote on the appeal.