



Dawn Michele Bellis
Secretary, Standards Council

30 August 2019

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-12
Standards Council Agenda Item:	SC#19-8-3-kk
Date of Decision:	6 August 2019
NFPA 70 [®] , <i>National Electrical Code</i> [®] , 2020 Edition	

Dear Interested Parties:

At its meeting of August 5-7, 2019, the Standards Council considered an appeal on the above referenced matter. On August 21, 2019 NFPA published the Council's decision on the appeal in the form of a "Short" decision. The short decision included the outcome of the appeal and indicated that a full Final decision on the appeal would be issued in due course to all interested parties as soon as it became available.

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, S. Gallagher, L. Fuller, J. Sargent, G. Frost
Members, Code-Making Panel 2 (NEC-P02)
Members, NEC Correlating Committee (NEC-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary



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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 recommendation for inclusion of First Revision No. 7977 (FR 7977) in the 2020 edition of NFPA 70[®], *National Electrical Code*[®].

DECISION:

At its meeting of August 5-7, 2019, the Standards Council considered three appeals from James Peterkin of TLC Engineering Solutions. This appeal requests that the Standards Council overturn the recommendation for inclusion of First Revision No. 7977 (FR 7977) in the 2020 edition of NFPA 70[®], *National Electrical Code*[®]. Specifically, the appeal requests that the Council exclude recommended FR 7977 text from the 2020 edition of NFPA 70 and return to previous edition text.

As background, Code-Making Panel (CMP) 2 supported FR 7977 on Section 210.12(C) through ballot, which relates in part to the protection of branch circuits serving patient sleeping rooms in nursing homes and limited care facilities. No Public Comments, Second Revisions, or Notices of Intent to Make a Motion (NITMAM) followed the First Draft actions of CMP 2 on Section 210.12(C). Mr. Peterkin (at the direction of the NFPA Health Care Section by vote at its business meeting in San Antonio, June 19, 2019) filed an appeal with the Council based upon the assertion that FR 7977 was a health care occupancy-specific topic that was outside of the scope of CMP 2, which is scoped to address general requirements for branch circuits. Rather, he suggests that only CMP 15 is scoped to address health care occupancy-specific topics.

The text subject to this appeal gained sufficient support within the standards development process for inclusion in the 2020 edition of NFPA 70, *National Electrical Code*. The appeal requests that the Council overturn the results 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.

Under the *Regulations Governing the Development of NFPA Standards*, the Correlating Committee is charged with recommending the resolution of conflicts between overlapping functions in scopes. In connection with this appeal, the Correlating Committee stated that CMP 2 has jurisdiction to address general branch circuit wiring and protection methods, and that FR 7977 addressed a wiring and protection method that was not otherwise addressed by CMP 15 in Article 517. For that reason, the Correlating Committee stated it did not identify a conflict and encouraged CMP 15 to modify the relevant section in Article 517, if the panel believed an occupancy specific exclusion was warranted. The Council finds this to be a reasonable approach to addressing overlapping functions in scopes.

Moreover, the record in the standards development process reflects that there was no objection reflected by interested parties in the health care industry on this matter during the revision cycle. The Appellant asserts that such interested parties failed to object because they simply were not aware of the change and find it overly burdensome to review the First Draft Report and the Second Draft Report to learn of changes that may affect them. Council notes that the reason all drafts are published publicly is specifically to provide all interested parties the ability to have notice if and when a code or standard may affect them, even when such interested party may not have membership on a CMP.

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. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the text recommended as FR 7977 will be included in the 2020 edition of NFPA 70, *National Electrical Code*.

Consistent with the statement provided by the Correlating Committee, to the extent that the Health Care Section or other interested parties are concerned about requirements for arc-fault circuit-interrupter (AFCI) protection of branch circuits serving patient sleeping rooms in nursing homes and limited care facilities, Council encourages such parties to explore developing a Tentative Interim Amendment (TIA) or Public Input for the next revision cycle to address those concerns.

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