



Dawn Michele Bellis
Secretary, Standards Council

21 August 2019*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-17
Standards Council Agenda Item:	SC#19-8-13-d
Date of Decision:	6 August 2019
TIA No. 1423 on NFPA 10, <i>Standard for Portable Fire Extinguishers</i> , 2018 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 that reads "Dawn Michele Bellis".

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, L. Fuller, B. O'Connor, R. Solomon
Members, TC on 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 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.



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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 action and issue TIA No. 1423 to revise Sections 6.1.5, 7.2.2 and 7.6.2(new).

DECISION:

At its meeting of August 5-7, 2019, 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 and issue TIA No. 1423 on NFPA 10, *Standard for Portable Fire Extinguishers*. Specifically, the appeal requests that the Standards Council issue TIA No. 1423, which seeks to revise 6.1.5, revise 7.2.2 and add new paragraph 7.6.2.1 within the 2018 edition of NFPA 10.

As background, in August of 2018, the Standards Council heard an appeal from Mr. McSheffrey regarding a TIA on NFPA 10 (the “2018 TIA”) that had failed technical committee ballot. Through the 2018 TIA, Mr. McSheffrey sought to restore electronic monitoring requirements that had been changed or deleted over two prior revision cycles. While the Council denied that August 2018 appeal, the Council did take other actions, including directing NFPA staff to form a balanced task group to evaluate and report back to Council whether a TIA related to electronic monitoring should be developed, and if so, to develop a proposed TIA for the technical committee’s consideration and ballot (see Council Decision #18-6). As part of Council’s August 2018 decision, Council also reviewed the membership of the Technical Committee on Portable Fire Extinguishers (TC). The Council, through a December 2018 action (see Minute Item 18-12-22-e) disbanded the TC and, after initiating a call for members, reconstituted the TC at Council’s April 2019 meeting. The balanced task group was formed following the August 2018 Council meeting, agreed that a TIA was appropriate, but ultimately did not unanimously agree on all technical aspects of the TIA. Nonetheless, the task group developed TIA No. 1423, which is the subject of this appeal.

In accordance with the *Regulations Governing the Development of NFPA Standards (Regs)*, TIA No. 1423 was balloted by the newly formed TC to determine whether the necessary three-fourths majority support was achieved on technical merit and emergency nature required to establish recommendation for issuance. The ballot failed the Technical Committee on both technical merit and emergency nature.

When a TIA fails to achieve the recommendation of the responsible committee, the resulting recommendation of the standards development process is to not issue the TIA.

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 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 NFPA 10, *Standard for Portable Fire Extinguishers*, will not include the text proposed in TIA No. 1423.

The Council notes that NFPA 10 will be having its First Draft Meeting in the coming months, with the First Draft Report scheduled to post on or before February 26, 2020. The Council continues to encourage en-Gauge to participate in the standards development process, including through its representative on the TC. The Council also encourages the recently reconstituted TC to continue efforts to review requirements related to electronic monitoring of portable fire extinguishers and consider appropriate text in the next edition.