



Dawn Michele Bellis
Secretary, Standards Council

21 August 2019*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-19
Standards Council Agenda Item:	SC#19-8-3-gg-1, hh-1 & jj-1
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.

Please note that a correction has been made to the final decision that was sent yesterday for Council agenda item #19-8-3-gg-1, hh-1 & jj-1. Specifically, CAM 70-51 recommends “Accept Public Comment No. **516**”, not 5160. This has been changed throughout the decision.

Attached is the final decision on the matter.

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 3 (NEC-P03)
Members, Code-Making Panel 16 (NEC-P16)
Members, NEC Correlating Committee (NEC-AAC)
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 amendment ballot results of Code-Making Panel 3 (CMP 3) on CAM 70-48 and Accept Public Comment No. 501; overturn the amendment ballot results of CMP 3 on CAM 70-49 and Accept Public Comment No. 500; and overturn the amendment ballot results of Code-Making Panel 16 (CMP 16) on CAM 70-51 and Accept Public Comment No. 516.

DECISION:

At its meeting of August 5-7, 2019, the Standards Council considered appeals from Marcelo Hirschler of GBH International. The appeals request that the Standards Council overturn the amendment ballot results of Code-Making Panel 3 (CMP 3) on CAM 70-48 and Accept Public Comment No. 501; overturn the amendment ballot results of CMP 3 on CAM 70-49 and Accept Public Comment No. 500; and overturn the amendment ballot results of Code-Making Panel 16 (CMP 16) on CAM 70-51 and Accept Public Comment No. 516 for the 2020 Edition of NFPA 70®, *National Electrical Code*®. Specifically, the appeals request to amend the Second Draft recommended text of Table 725.154, Table 760.154, and update the ASTM E84 reference to the 18a edition in Informational Note No. 1 to Section 800.182 (A).

As background, CMP 3 Rejected Public Comment Nos. 500 and 501, while CMP 16 Rejected Public Comment No. 516. Mr. Hirschler filed a Notice of Intent to Make a Motion (NITMAM) on each of the identified Public Comments which were certified by the Motions Committee, then presented on the floor of the NFPA Technical Meeting as CAM 70-48, CAM 70-49, and CAM 70-51. All three CAMs passed the floor of the NFPA Technical Meeting. However, the amendment ballots failed to achieve the necessary 2/3 vote of the responsible CMP to recommend approval of the Association Actions.

The text subject to appeal did not gain sufficient support within the standards development process for inclusion in the 2020 Edition of NFPA 70, *National Electrical Code*. The appeals request 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.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in these appeals. In the view of the Council, these appeals do 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 appeals. The effect of this action is that that Public Comments 500, 501, and 516 will not be included in the 2020 Edition of NFPA 70, *National Electrical Code*. The respective tables and text at issue return to previous edition text.

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