



*Dawn Michele Bellis*  
*Secretary, Standards Council*

17 September 2019

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#19-22</b>
Standards Council Agenda Item:	<b>SC#19-8-3- v-11</b>
Date of Decision*:	6 August 2019
<i>NFPA 70®, National Electrical Code®, 2020 Edition</i>	

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,

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, L. Fuller, J. Sargent, G. Frost  
Members, Code-Making Panel 7 (NEC-P07)  
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 Date of Decision noted in the subject line of this letter.



be presented through Certified Amending Motions and debated by the Membership.<sup>1</sup> If the Membership agrees with a Certified Amending Motion (“CAM”), the vote signals there is not agreement with the position of the Technical Committee (or Code Making Panel) as evidenced in the Second Draft Report. When the NFPA Membership is not in agreement with the result from the Second Draft, the overarching purpose of the standards development process is to determine whether the Technical Committee can reach agreement with the recommendation proposed by the NFPA Membership.

To accomplish this, the *Regs* provide for a variety of types of CAMs, which, by their nature allow the public to express varying degrees of disagreement with the Technical Committee’s work after the Second Draft. For example, a “motion to reject an identifiable part of a second correlating revision” is a motion that is a way to express disagreement with part, but not all, of a second revision made by a correlating committee. The implication is that the maker of the motion is satisfied with some, but not all of the second correlating revision, and otherwise seeks to preserve some part of it. This is in contrast to a “motion to reject a second correlating revision and any related portions of first revisions and first correlating revisions”, which is a way to express disagreement with the second correlating revision and everything related to it. The implication is the maker of the motion completely disagrees with the Technical Committee revisions at every stage and seeks to reject any such revisions entirely.

In the instant circumstances, although CAM 70-36 was framed as a motion to reject an identifiable part of SCR No. 30, its effect was to reject the technical substance of the entire revision to Article 551.71. By supporting CAM 70-36, the Membership agreed with the wholesale rejection of the GFCI exemption created by CMP 7 and recommended that there be no exemption for GFCI protection of receptacles used in RV site equipment. When the Membership disagrees with the Technical Committee’s technical revisions at both first and second drafts, as it did substantively with CAM 70-36, the process anticipates a return to previous edition text because there is no alignment between the Membership and the Technical Committee on a change to the text of the standard. In this instance, balloting the CMP on the first revision text would have the effect of completely ignoring the the recommendation from Membership to reject that very same exemption.

Council finds that treating CAM 70-36 solely as it was labeled and ignoring the purpose and effect of the recommendation from the Membership would be a matter of form over substance. Table 1 exists in the context of the entire standards development process which provides for the incorporation of input from the Membership on any proposed change to a code or standard. That purpose would be frustrated if CAM 70-36 was treated solely based on the way the motion was labeled by its maker without regard to the effect of the motion.

In reviewing the entire record before it, Council notes that CMP 7 and the CC were balloted with mixed results on the Membership’s recommendation to require GFCI protection in RV site equipment. CMP 7 continues to favor an exemption for GFCI protection of receptacles used in recreational vehicle site equipment, and while the Correlating Committee expressed substantive agreement with CMP 7 at Second Draft, the CC agreed with the Membership’s recommendation on correlation. For these reasons and the reasons stated above, the Council concludes that there is not agreement with regard to the proposed revision to Article 551.71(F), and therefore, it returns to previous edition text.

Accordingly, the Council has voted to deny the appeal. The effect of this action is that the NFPA 70, *National Electrical Code* will neither include the text of Second Correlating Revision No. 30 nor First Revision No. 8475. The language of Article 551.71(F) will return to previous edition text.

Council requests NFPA staff to review Table 1 and the Regulations to assess whether or not there is any need for clarification.

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<sup>1</sup> *Regs*, Section 4.5.1

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