



Dawn Michele Bellis
Secretary, Standards Council

21 August 2019*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-23
Standards Council Agenda Item:	SC#19-8-3-m-2
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. 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, M. Earley, J. Sargent, G. Frost
Members, Code-Making Panel 6 (NEC-P06)
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 Code-Making Panel 6 amendment ballot results on CAM 70-22 and Accept an Identifiable Part of Public Comment No. 1406.

DECISION:

At its meeting of August 5-7, 2019, the Standards Council considered an appeal from Peter Graser of COPPERWELD Building Wire. The appeal requests that the Standards Council overturn Code-Making Panel 6 (CMP 6) amendment ballot results on CAM 70-22 and Accept an Identifiable Part of Public Comment No. 1406 for the 2020 edition of NFPA 70®, *National Electrical Code*®. Specifically, the appeal requests the addition of text to require that copper-clad aluminum conductors be listed.

As background, Code-Making Panel 6 (CMP 6) rejected Public Comment No. 1406. Notices of Intent to File a Motion (NITMAM) to Accept an Identifiable Part of Public Comment No. 1406 were filed by Peter Graser and Christel Hunter. The NITMAMs were certified by the Motions Committee as a single motion, then presented to the floor at the NFPA Technical Meeting as CAM 70-22. CAM 70-22 passed the floor of the NFPA Technical Meeting. The amendment ballot failed to achieve the necessary 2/3 affirmative vote of CMP 6 necessary to recommend approval of the Association Action. The amendment ballot did, however, achieve the necessary 2/3 affirmative vote of the Correlating Committee. Although multiple appeals were filed with the Standards Council regarding CAM 70-22, each appeal is being addressed in a distinct decision as the actions sought are dissimilar. This decision addresses the specific relief sought by Mr. Graser; the decision for Ms. Hunter's appeal is identified at Decision #19-6.

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, 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 Section 310.3(B) will be returned to previous edition text in the 2020 edition of NFPA 70, *National Electrical Code*.

In a related Decision #19-2 on a separate appeal from Mr. Graser, Council directed the formation of a bimetal task group of balanced interests, and the Council directs that task group to also review and determine any appropriate recommendations related to listing requirements bimetal conductors.

As this work progresses, the Council encourages the bimetal industry to continue to participate in the NFPA standards development process.

Council Members Kerry Bell and Michael Johnston recused themselves from the deliberations and vote on the appeal.