



Dawn Michele Bellis
Secretary, Standards Council

30 August 2019

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-25
Standards Council Agenda Item:	SC#19-8-3-mm
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, 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 Second Correlating Revision No. 39 and return the recommended text for Section 517.24 and Tables 517.24(a) and 517.24(b) to Second Revision No. 7908 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 Second Correlating Revision No. 39 (SCR 39) and return the recommended text for Section 517.24 and Tables 517.24(a) and 517.24(b) to Second Revision No. 7908 (SR 7908) in the 2020 edition of NFPA 70®, *National Electrical Code*® (*NEC*®). Specifically, the appeal requests that the Council restore the recommended text supported by Code-Making Panel 15 (CMP 15) which creates health care specific demand factors.

As background, the *NEC*® Correlating Committee supported SCR 39 through ballot. No Notice of Intent to Make a Motion (NITMAM) was filed for SCR 39. 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 seeking the rejection of SCR 39 and to return to the text recommended by CMP 15 in SR 7908.

The text recommended for deletion and subject to this appeal gained sufficient support within the standards development process for 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.

The Appellant asserts that the Correlating Committee was acting outside of its scope when it removed CMP 15’s newly created Section 517.24 on demand factors, new Table 517.24(b), and new Table 517.24(b) as recommended by CMP 15 through SR 7908—leaving the 2020 edition of NFPA 70 without health care specific demand factors in favor of the generic, non-specific demand factors created by Code-Making Panel 2. The record reflects that the Correlating Committee identified a specific correlation issue and related justification; the Appellant identifies generally, and with no specific technical reasons, that this decision was made without health care expertise. While there may be technical disagreement on this issue, Council finds the Correlating Committee did state specific correlating and technical reasons for taking actions.

The Appellant also asserts that the topic of demand factors for health care occupancies is outside of the scope of the *NEC* and inconsistent with prior Council decisions that have established the *NEC* has jurisdiction over electrical “installation” matters, and NFPA 99 has jurisdiction over “performance” matters related to health care facilities. Specifically, the Appellant states in the appeal that “the topic of branch-circuit, feeder, and service load calculations” is categorically a “performance” matter and therefore outside the scope of the *NEC*. Electrical load calculations are fundamental to installing a properly rated electrical

system, and therefore Council disagrees that electrical load calculations for health care occupancies are categorically outside the scope of the NEC.

Finally, the Appellant raises the concern regarding a failure of NFPA's Terra electronic submission system to display SCR 39 in a timely manner. Without reviewing the specific technical issue that may have occurred, Council finds that SCR 39 was publicly available and published through the Second Draft Report in a timely manner on NFPA's website.

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 deleted by recommendation of SCR 39 will not be included in the 2020 edition of NFPA 70, *National Electrical Code*.

Council remains concerned about the apparent and ongoing breakdown in communication between NFPA 70, NFPA 99 and other interested health care parties. In response to similar communication challenges in the past and over the course of several revision cycles, Council had formed the "Intercommittee Coordination Committee", which was charged with communicating changes related to the NEC and NFPA 99 to the respective correlating and technical committees (and panels). It is apparent based on the three appeals filed by Mr. Peterkin that the Committee has not been effective in achieving its purpose, and Council hereby disbands the Committee.

In its place, Council directs a new approach to improve the important lines of communication between the responsible committees and panels of the NEC and NFPA 99. The Council intends to take action at its December 2019 meeting to amend the NEC Correlating Committee structure to include a non-voting correlating committee liaison from NFPA 99 project membership. Additionally, it is the intention of the Standards Council to add a non-voting correlating committee liaison from the NEC project membership to the NFPA 99 Correlating Committee with the anticipation of increased visibility, transparency and communications regarding electrical installation and performance requirements in health care facilities.

In the meantime, to the extent the Health Care Section or other interested stakeholders are encouraged to explore the appropriateness and development of a Tentative Interim Amendment (TIA) or Public Input for the next revision cycle to address the concerns asserted in this appeal regarding demand factor requirements in health care facilities.

Finally, Council heard a report from staff regarding any technical issues in the Terra electronic submission system and a description of the proposed solution. At its December 2019 meeting, Council asks staff to report on testing results following the implementation of the solution.

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