



Dawn Michele Bellis
Secretary, Standards Council

21 August 2019*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-3
Standards Council Agenda Item:	SC#19-8-3-b
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, 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 12 (NEC-P12)
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 Association Action and Reject an Identifiable Part of Second Revision No. 7776, including any Related Portions of First Revision No. 8385.

DECISION:

At its meeting of August 5-7, 2019, the Standards Council considered an appeal from Daniel Mikat of Toyota Motor North America (on behalf of 23 Automotive Manufacturers, the Automotive Alliance, Global Automakers and SAE International). The appeal requests that the Standards Council overturn the Association Action and Reject an Identifiable Part of Second Revision No. 7776, including any Related Portions of First Revision No. 8385 for the 2020 Edition of NFPA 70®, *National Electrical Code*® (*NEC*®). Specifically, the appeal requests to amend the text of Section 625.1 as recommended by Code-Making Panel 12 (CMP 12).

As background, CMP 12 and the Correlating Committee supported Second Revision No. 7776 through ballot. A Notice of Intent to Make a Motion (NITMAM) to Reject an Identifiable Part of Second Revision No. 7776 and any Related Portions of First Revision No. 8385 was filed by Mr. Mikat and was certified by the Motions Committee, then presented on the floor at the NFPA Technical Meeting as CAM 70-2. CAM 70-2 failed on the floor of the NFPA Technical Meeting. Mr. Mikat filed an appeal with the Council based upon the unsuccessful result of CAM 70-2.

The text subject to the appeal in CAM 70-2 did not gain sufficient support within the standards development process for inclusion in 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 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 Second Revision No. 7776 will be included in the 2020 Edition of NFPA 70, *National Electrical Code*.

Council notes that during the Technical Meeting debate on CAM 70-2, a suggestion to form a joint working group between the Society of Automotive Engineers (SAE), other automotive interests, and *NEC*® members was put forth. In the interest of collaboration and resolving the issues of cross-over technologies between the automotive and electrical industries, the Council encourages the establishment of a balanced Task Group, facilitated by NFPA Staff, with a goal of developing and submitting a TIA for the 2020 Edition of NFPA 70 or Public Inputs to the next revision cycle.

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