



*Dawn Michele Bellis*  
Secretary, Standards Council

10 September 2021\*

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#21-10</b>
Standards Council Agenda Item:	<b>SC#21-8-13-a</b>
Date of Decision:	26 August 2021
NFPA 1123, <i>Code for Fireworks Display</i> , 2022 Edition	

Dear Interested Parties:

At its meeting of August 24-26, 2021, 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. Moreno, A. Ing  
Members, TC on Pyrotechnics (PYR-AAA)  
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 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 ballot results of CAM 1123-4 and Accept Public Comment No. 8.

**DECISION:**

At its meeting of August 24-26, 2021, the Standards Council considered an appeal from Charles P. Weeth of Weeth and Associates, L.L.C. The appeal requests that the Council overturn the Association Action and Accept Public Comment No. 8 for the 2022 Edition of NFPA 1123, *Code for Fireworks Display*. Specifically, the appeal requests to delete Section 5.1.3.7 in lieu of the text recommended by the Technical Committee on Pyrotechnics (TC) (introduced as First Revision No. 14).

As background, the TC rejected Public Comment No. 8 at second draft. A Notice of Intent to Make a Motion (NITMAM) to Accept Public Comment No. 8 was filed by Mr. Weeth and was certified by the Motions Committee, then presented for debate during the NFPA Technical Meeting as CAM 1123-4. CAM 1123-4 failed to achieve the necessary simple majority support of the Membership during the NFPA Technical Meeting. Mr. Weeth filed an appeal with the Council based upon the unsuccessful result of CAM 1123-4.

CAM 1123-4 did not gain sufficient support within the standards development process for recommendation to Council. 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 finds no such basis demonstrated in this matter.

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 2022 edition of NFPA 1123, *Code for Fireworks Display*, will not delete Section 5.1.3.7 as proposed by Public Comment No. 8.

While Council declines to overturn the results of the process, Council agrees that there may be ambiguity as to the appropriate technical committee(s) with scope to address flammable liquid fireball effects. Council encourages the Technical Committee on Special Effects and the Technical Committee on Pyrotechnics to continue working on this topic with a goal of proposing any necessary scope amendments to the Council to ensure clear responsibilities for requirements for flammable liquid fireball effects. If, after review, the technical committees find that a committee scope amendment is warranted, the Council welcomes those submissions for consideration at a future Council meeting.