



Dawn Michele Bellis
Secretary, Standards Council

10 September 2021*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#21-11
Standards Council Agenda Item:	SC#21-8-5-c
Date of Decision:	26 August 2021
NFPA 13, <i>Standard for the Installation of Automatic Sprinkler Systems</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, C. Duffy
Members, TC on Sprinkler System Discharge Criteria (AUT-SSD)
Members, CC on Automatic Sprinkler Systems (AUT-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 on CAM 13-23/13-37/13-42 and return to First Revision No. 1195 text and request to form a Task Group to create a Tentative Interim Amendment (TIA).

DECISION:

At its meeting of August 24-26, 2021, the Standards Council considered an appeal from Kenneth Isman of the University of Maryland. The appeal requests that the Standards Council overturn the Association Action and return to First Revision No. 1195 text for the 2022 Edition of NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*. Specifically, the appeal requests to restore the text of Sections 5.2.2.2.1 through 5.2.2.2.3 as approved by ballot at First Draft by the responsible Committees or, in the alternative, to form a Task Group with direction to create a Tentative Interim Amendment (TIA).

As background, the Technical Committee on Sprinkler System Discharge Criteria (TC) voted to approve First Revision No. 1195 at first draft on Sections 5.2.2.2.1 through 5.2.2.2.3. No revisions were made to this text at Second Draft. Three Notices of Intent to Make a Motion (NITMAM) were filed to accept multiple Public Comments which each respectively rejected First Revision No. 1195. These Public Comments were rejected by the TC at Second Draft. The three NITMAMs were certified by the Motions Committee as a single motion, then presented for debate during the NFPA Technical Meeting as CAM 13-23/13-37/13-42. CAM 13-23/13-37/13-42 achieved the necessary simple majority support of the Membership during the NFPA Technical Meeting. In accordance with the *Regulations Governing the Development of NFPA Standards (Regs)*, Table 1, no ballot of the responsible committee was necessary as the effect of the successful passage of the CAM was to return the text of Sections 5.2.2.2.1 through 5.2.2.2.3 to previous edition text. Mr. Isman filed an appeal with the Council to overturn the results of CAM 13-23/13-37/13-42.

The text subject to the appeal of CAM 13-23/13-37/13-42 gained sufficient support within the standards development process to Accept Public Comments which removed First Revision No. 1195 text from the 2022 Edition of NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*. 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 appellant implies that the CAM at issue passed because NFPA Members had to pay a \$50 fee to vote at the electronic Technical Meeting. It is worth noting that the fee for registering at the Technical Meeting is not new. NFPA Members have historically paid a fee to participate in and vote at the annual Technical Meeting. In 2021, this fee was reduced from the fee usually charged when attending the Meeting in person. Also, debate on CAMs was open to the public to participate and had no associated fee. The Technical Meeting debate record reflects 18 individuals were in favor of CAM 13-23/13-37/13-42 and 2 individuals

(one of whom was the appellant) were opposed to the CAM. For these reasons, Council is not persuaded that this fee materially affected the Membership's ability to express opinions on the 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 NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*, 2022 edition, will not include text of First Revision No. 1195.

The appellant mentions that a Tentative Interim Amendment (TIA) may be one way to resolve this issue through consensus between revision cycles; developing and submitting a TIA for processing is an option available to appellant or any member of the public in accordance with the *Regs*. Council encourages the appellant and all interested stakeholders to continue participating in the NFPA standards development process.

Council Chair, James Golinveaux, and Council members Richard Gallagher and Rodger Reiswig recused themselves from the deliberations and vote on this appeal.