



Dawn Michele Bellis
Secretary, Standards Council

10 September 2021*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#21-13
Standards Council Agenda Item:	SC#21-8-45-d
Date of Decision:	26 August 2021
TIA No. 1594 to NFPA 1971, <i>Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting</i> , 2018 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, B. Chase, C. Farrell
Members, TC on Structural and Proximity Fire Fighting Protective Clothing and Equipment (FAE-SPF)
Members, CC on Fire and Emergency Services Protective Clothing and Equipment (FAE-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 requesting the Council to overturn the Technical Committee ballot results and issue TIA No. 1594 on NFPA 1971, *Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting*, 2018 Edition.

DECISION:

At its meeting of August 24-26, 2021, the Standards Council considered an appeal from Ed Kelly of the International Association of Fire Fighters (IAFF). The appellant requests that the Standards Council overturn the Technical Committee ballot results and issue TIA No. 1594 on the 2018 edition of NFPA 1971. Specifically, the appeal requests that the Standards Council issue TIA No. 1594 which seeks to delete paragraphs 7.1.23 and 8.62, and to revise Tables A.4.3.4(a), A.4.3.4(f) and B.2.

As background, TIA No. 1594 was balloted through the Technical Committee on Structural and Proximity Fire Fighting Protective Clothing and Equipment (TC) and the Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment (CC) in accordance with the *Regulations Governing the Development of NFPA Standards (Regs)* to determine whether the necessary three-fourths majority support was achieved on technical merit and emergency nature for recommendation of issuance. The TIA failed to achieve the necessary support of the TC on both technical merit and emergency nature, as well as failed to achieve the necessary support of the CC on both correlation and emergency nature.

When a TIA fails to achieve the recommendation of the responsible committee, the resulting recommendation of the standards development process is to not issue the TIA.

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. There is no such basis demonstrated in this matter.

This TIA seeks to remove an ultra-violet (UV) light degradation test applicable to fire fighter turnout gear. The appellant asserts that requiring this test causes the use of per-and polyfluoroalkyl substances (PFAS) in the moisture barriers of turnout gear. Appellant expressed serious concern for health consequences to firefighters with continued use of PFAS in the moisture barrier. Opponents to the TIA agree that PFAS should be removed or limited where possible, but express concern that removing this test without understanding of how removal will affect the moisture barrier could inherently be a serious risk to firefighter safety given the barrier is a primary protection from water and other common liquids, including chemicals and bloodborne pathogens encountered.

The TC chair formed a Task Group in June 2021 to address this issue (and evaluate other issues related to hazardous substances). The Task Group membership includes topical experts, such as the appellant (IAFF), a representative from a nationally recognized testing lab, a turn-out gear manufacturer, and representatives from fire departments, among others. For these reasons, Council finds that the Task Group is in the best

position to consider all technical and scientific information and to make an informed recommendation for the responsible TC's consideration.

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 of TIA No. 1594 will not be included in NFPA 1971, *Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting*, 2018 edition.

The Council notes that all parties in favor and against this appeal agreed that the TIA raises timely, important issues therefore the Council directs that the progressing Task Group work on this issue be expedited. Additionally, the Council encourages the Task Group to submit a Tentative Interim Amendment (TIA) for processing to the current edition and in parallel to the work being done within the next edition of the standard, if appropriate.

Council members Richard Gallagher and Catherine Stashak recused themselves from deliberations and vote on this appeal. Council member John Kovacik read a non-recusal statement into the record to clarify that he had no established position on this item prior to the hearing, deliberations, and vote on this appeal.