



Dawn Michele Bellis
Secretary, Standards Council

26 August 2022*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#22-10
Standards Council Agenda Item:	SC#22-8-5-r
Date of Decision:	12 August 2022
<i>NFPA 70[®], National Electrical Code[®], 2023 Edition</i>	

Dear Interested Parties:

At its meeting of August 10-12, 2022, 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, J. Sargent
Members, NEC Code-Making Panel 2 (NEC-P02)
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.



Standards Council Decision (Final):	D#22-10
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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 results of the voting Association Members during the NFPA Technical Meeting and Reject Second Revision No. 7956.

DECISION:

At its meeting of August 10-12, 2022, the Standards Council considered an appeal from Greg Woyczynski of Association of Home Appliance Manufacturers. The appeal requests that the Standards Council overturn the results of the voting Association Members during the NFPA Technical Meeting and Reject Second Revision No. 7956 for the 2023 Edition of NFPA 70®, *National Electrical Code*® (NEC®). Specifically, the appeal requests revision of section 210.8(A).

As background, Section 210.8(A) was broadly revised to expand GFCI protection for receptacles in dwelling units at Code-Making Panel 2’s (CMP 2) First Draft meeting, but the revisions failed the First Draft ballot. At the Second Draft meeting, CMP 2 again revised Section 210.8(A) to expand GFCI in specific locations, including the kitchen and other areas of a dwelling unit. The revisions passed Second Draft ballot. The appellant filed Certified Amending Motion 70-94, seeking to return to previous edition text and narrow the application of GFCI requirements. CAM 70-94 failed to achieve simple majority support of the membership during the NFPA Technical Meeting.

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 alleges that circuit breaker manufacturers exerted dominance at NFPA’s 2022 Technical Meeting in violation of the American National Standards Institute (ANSI) *Essential Requirements for Due Process* (the “Essential Requirements”). When a claim of dominance is asserted in writing by a directly and materially interested party, it is considered a “procedural grievance” that the Standards Developer must review. See ANSI’s Guidance on Lack of Dominance within the American National Standards (ANS).

Under Section 1.2 of the Essential Requirements, “[d]ominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.” The Essential Requirements have no specific test defined for dominance. Instead, ANSI’s “Guidance on ‘Lack of Dominance’ within the American National Standards (ANS)” outlines the following considerations for assessing whether an attempt is being made by a person or organization to exclude the fair and equitable consideration of other viewpoints:

- acting deliberately in a way which precludes others from having the opportunity to express their viewpoints;
- submitting comments that are intended to or always cause a new vote;
- taking actions to “control the agenda, the meeting schedule, ballot issuance, membership on the consensus body and/or related work groups”

In accordance with ANSI’s Guidance on Lack of Dominance, Council has reviewed the NFPA standards development process as it pertains to the revision of Section 210.8(A), which is the subject of the Appellant’s dispute. Council also reviewed the related activities and membership of CMP 2 during the 2023 revision cycle for the NEC as well as the conduct of the 2022 NFPA Technical Meeting. As set forth below, Council specifically finds that there was no dominance exerted in violation of ANSI Essential Requirements.

1. NFPA’s Standards Development Process

As an ANSI-accredited standards developer and Audited Designator¹, NFPA is required to maintain ANSI-accredited procedures that comply with the Essential Requirements and establish a consensus-based standards development process to develop an American National Standard (ANS). NFPA standards development procedures are set forth in its *Regulations Governing the Development of NFPA Standards* (the “Regs”) and exceed the Essential Requirements. NFPA’s Standards Council, with assistance from NFPA staff, maintains the Regs, which are ultimately approved and issued by NFPA’s Board of Directors. Modifications to the Regs are submitted and reviewed by ANSI, in addition to review of the Regs conducted by ANSI as part of its regular audit. The Regs were most recently reviewed by ANSI in the first quarter of 2022 as meeting the Essential Requirements (done as part of NFPA’s regularly scheduled audit). The Regs include a description of the NFPA Technical Meeting and the voting of an unbalanced NFPA membership as one step in the development of consensus.

Under the Regs, all NFPA standards are developed by a balanced consensus body (known as a “Panel” or “Technical Committee”). The Technical Committee is balanced by interest classification, which is a Committee member’s primary interest related to the activity of the Committee. NFPA has nine [interest classifications](#), which are outlined on its website. NFPA staff are responsible for publishing all public notices related to the standards development process, including, but not limited to stages in the process, First and Second Draft meetings, agendas, minutes and other notices that may affect the development of a standard (e.g., Tentative Interim Amendments, Errata, etc.). Each NFPA standard has a dedicated staff liaison, who participates in the standards development process primarily as a facilitator. Under [NFPA’s Guide for Conduct](#), NFPA staff liaisons are responsible for the “fair, open and efficient operation of the NFPA standards development process.” (See Section 4 of the *NFPA Guide for the Conduct of Participants in the NFPA Standards Development Process*.)

NFPA’s standards development process is detailed in the Regs, but generally includes the following steps for revision of an existing ANS:

- **Public Input** (“PI”)– any member of the public and/or other committees has the opportunity to provide input for the Technical Committee’s consideration to develop the First Draft. PIs are submitted electronically by any person.
- At the **First Draft** meeting, the Technical Committee provides a response to and acts on every PI received. The Technical Committee creates First Revisions which is initial meeting consensus of the Committee by simple majority. The final position of the Committee (including the Correlating Committee) is established by a ballot, which requires approval by at least two-thirds of the Technical Committee. First revisions that pass ballot are compiled and publicly published as the First Draft Report on NFPA’s website.
- **Public Comment**- After the First Draft Report is posted, any person may submit a Public Comment on the First Draft. Any objections or changes to the First Draft must be submitted at the Public

¹ NFPA is an ANSI “Audited Designator”, which means NFPA is an “ANSI-Accredited standards developer who has been granted the authority to designate its standards as American National Standards (ANS) without such standards being reviewed and approved by the ANSI Board of Standards.” This authority is granted to an accredited standards developer “who has demonstrated a consistent record of voluntary standards development” (See 5.0 of the Normative policies and procedures for ANSI Audited Designators).

Comment stage. After the Public Comment closing date, the Technical Committee holds its Second Draft Meeting.

- At the Second Draft Meeting, the Committee reviews the First Draft and may make additional revisions to the Standard. The Committee responds to and acts on all Public Comments and uses the Comments to assist in the development of Second Revisions to the Standard. The Second Draft reflects the simple majority agreement of the Technical Committee during the Second Draft meeting to establish meeting consensus. The final position of the Technical Committee is established by a ballot, which requires approval by at least two-thirds of the Technical Committee. Second Revisions that pass ballot are compiled and publicly published at the Second Draft Report.
- NITMAMs – Once the Second Draft Report is posted, the public can review it and a Notice of Intent to Make a Motion (NITMAM) may be filed by anyone who meets the requirements set forth in the *Regulations Governing the Development of NFPA Standards*. A NITMAM must be first certified as proper under the *Regs* by the Motions Committee of the Standards Council. If the NITMAM is proper, it is certified as a “Certified Amending Motion” or CAM. The Motions Committee report is publicly published in advance of the Technical Meeting and only Certified Amending Motions (and proper Follow-up Motions) are permitted at the Meeting.
- NFPA Technical Meeting- Annually, NFPA’s members and others meet to consider and debate any CAMs that have been received. The purpose of a CAM is to recommend a change to the resulting draft Standard from the Technical Committee’s recommendations as published in the Second Draft. Only individuals who have been an NFPA Member for 180 days or more are eligible to vote at the Technical Meeting; however, any person may become an NFPA Member and non-members may attend and present their position on a CAM. The NFPA Membership is not a consensus body and therefore is not balanced. For that reason, if the NFPA Membership supports a CAM, it then gets returned to the Technical Committee for ballot, or, depending on the type of motion, it returns text to the previous edition of the Standard, which generally reflects the last point of consensus.
- The Standards Council – is the official issuer of Standards and is the body responsible for hearing appeals.
- The NFPA Board of Directors – issues the *Regs* and hears petitions, which is a limited right of review of the actions of the Standards Council when “extraordinary circumstances requiring the intervention of the Board of Directors exist”.

As noted above, NFPA’s standards development process is accredited by ANSI as meeting the Essential Requirements.

2. The 2023 revision cycle of 210.8(A) reflected no evidence of dominance

The record of the 2023 revision cycle relating to 210.8(A) reflects that the standards development process was conducted in accordance with the *Regs*. NFPA’s Standards Council Secretary provided a memorandum dated August 9, 2022 to the Council and to AHAM in advance of the hearing on this appeal, which outlines a factual record of each step of the revision cycle, CMP 2 membership through the cycle, timing for agendas, meetings, and participation (the “Council Secretary’s Memo”). The Council attaches the Council Secretary’s Memo to this Decision as Attachment 1. Based on the Council Secretary’s Memo, this appeal and the information provided during the hearing, Council finds that there was no evidence of dominance exerted in violation of the Essential Requirements for the following reasons:

a. CMP 2 remained in balance during the 2023 revision cycle.

While “balance” is different from “dominance”, the Council found that CMP 2 was in balance during the 2023 revision cycle. At the time of the Second Draft Ballot on Second Revisions, the interest classifications on CMP 2 reflected the following:

- **3 Manufacturers – 20%** (National Electrical Manufacturers Association (NEMA), Schneider Electric and Leviton Manufacturing Company, Inc.)
- **1 Labor -6%** (International Brotherhood of Electrical Workers)
- **3 Installer/Maintainers- 20%** (Independent Electrical Contractors (IEC), National Electrical Contractors Association (NECA) and Faith Technologies Electrical Contractor)
- **2 Enforcers-13%** (International Association of Electrical Inspectors (IAEI) and New York City Department of Buildings)
- **1 Research/Testing -6%**(Underwriters Laboratory (UL))
- **1 Special Expert-6%** (University of Houston Clear Lake)
- **3 Users-20%** (American Chemistry Council (ACC), IEE-IAS/PES, National Association of Home Builders (NAHB));
- **1 Utility -6%** (Electric Light & Power Group)
- US Consumer Product Safety Commission was also on the panel as a nonvoting member

At the time of the Second Draft ballot, CMP membership was meeting the requirement that a single interest not exceed 1/3rd of the voting membership on the panel.

b. All meetings notices, agendas and minutes for CMP 2 meetings were published publicly by NFPA staff pursuant

Pursuant to NFPA’s standards development process, the record reflects that all meeting notices, agendas and meeting minutes for CMP 2 were publicly and timely published on NFPA’s website. The record further reflects that NFPA alone was responsible for setting the agenda, schedule and publicly publishing information about the meetings. The meetings occurred on the dates and at the times they were scheduled to occur, and all CMP 2 meetings were conducted remotely over Microsoft Teams, as was indicated in the meeting notices. There is no evidence to suggest that any party controlled or acted to influence an agenda.

c. There was broad, active and equitable participation by diverse interests in the revision of Article 210, with no evidence of exclusion of a party

As more fully described in the Council Secretary’s Memo, there was active and broad participation in the revision of the Articles within the scope of CMP 2. Section 210.8 alone received 22 Public Inputs (PIs), which came from a variety of diverse sources, including, but not limited to: a master electrician, a person representing themselves, the National Electrical Manufacturers Association (NEMA), the International Association of Electrical Inspectors (IAEI), Schneider Electric, the State of Minnesota Department of Labor and Industry and the City of Janesville, Wisconsin. AHAM did not submit PIs on Section 210.8, but did submit PIs for other sections of the NEC, so there is nothing on the record to suggest that AHAM was excluded from participating in the PI stage.

The First Draft Meeting reflected that 39 guests attended and 7 different guests made presentations to CMP 2. The record shows each presenter was offered equal time to present. AHAM did not attend the meeting and there is no record of AHAM requesting to speak or present at the meeting. Accordingly, there is no information on the record to suggest AHAM was excluded from attending or participating in the First Draft Meeting.

CMP 2 made a revision to 210.8(A) at the First Draft, which was intended to expand requirements for GFCI in a dwelling unit. CMP 2 stated a technical basis for the revision. Ultimately, these First Revisions failed to achieve the necessary 2/3rd support. 8 CMP members were in support, and 6 were opposed to the First Revisions. The supporters were from diverse interest classifications: 3 manufacturers, one user, one special exporter, one installer/maintainer, one labor and one research/testing laboratory. The CMP 2 members who voted against the First Revisions were two enforcers, two users, one installer/maintainer, and one utility.

There is nothing in this record to support any one person, organization or interest classification acted to exclude the fair and equitable consideration of a party. The record reflects CMP 2 had not reached consensus on this topic at First Draft.

After the First Draft was publicly published to NFPA's website, the Public Comment (PC) period opened and CMP 2 received 9 PCs on Section 210.8(A). The record again reflects active participation from a range of interests, including from the Appellant, as follows:

- PCs received from International Association of Electrical Inspectors (IAEI), Schneider Electric, National Electrical Manufacturers Association (NEMA), an individual representing himself, American Circuit Breakers Manufacturers Association (ACBMA), ChargePoint Inc., Association of Home Appliance Manufacturers (AHAM), Arcadis U.S. Inc., and the correlating note from the NEC Correlating Committee.

AHAM's PC on Section 210.8(A) did not propose any revision; rather, it detailed a statement about its technical position on the subject of 210.8(A). In NFPA's standards development process, Section 4.4.4.3(c) of the Regs provide that "...[e]ach Public Comment shall include the following...proposed text of the Public Comment, including the wording to be added, revised (and how revised), or deleted..." CMP 2 responded to AHAM's PC by noting that there was no text offered or proposed for CMP 2 to respond.

Following the submission of its PC, AHAM attended the Second Draft Meeting and presented to CMP 2 along with 6 other presenters. All presenters were offered equal presentation time according to the minutes of the meeting. There were 48 guests in attendance who represented a range of interests, including but not limited to, consulting companies, utilities, manufacturers, labor, associations, enforcers, contractors, etc. The Council finds the record through this point shows no interest group, organization or individual was exercising a position of authority, leadership, or influence by reason of superior leverage, strength, or representation such that AHAM (or any other party) was denied an opportunity to have their viewpoints fairly and equitably considered by CMP 2.

CMP 2 made Second Revisions on 210.8(A), which are the subject of AHAM's appeal. These revisions expanded GFCI requirements in dwelling units, but not as expansively as proposed in the First Revisions. The Second Revisions passed ballot, in particular, the ballot results of SR No. 7956 reflected 11 CMP 2 members in support and 4 against. The four negative with comment were from an enforcer, a user, an installer/maintainer and a utility classification. CMP 2's statement was generally that the expansion of GFCI requirements was based on concerns for providing protection for individuals "working on cord-and-plug appliances and/or cord and plug-connected equipment..." Opponents generally cited concern that the requirement was too broad and should focus on wet areas. The Council finds this record shows genuine technical disagreement and that CMP 2 has reasonably stated a technical justification for its position. There is no evidence to suggest that CMP 2 failed to equitably consider views, or that there was an interest, organization or individual who had a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints. Rather, the record reflects that the panel reached consensus from the position it had started with at First Draft.

d. AHAM made a motion and had its views considered and debated by the NFPA Membership present at the 2022 Technical Meeting

After the Second Draft was publicly posted, AHAM filed a Notice of Intent to Make a Motion (NITMAM), which was certified by NFPA's Motions Committee of the Standards Council as a "Certified Amending Motion" (or "CAM"). The Technical Meeting is yet another option in NFPA's standards

development process, which allows an eligible person who is not satisfied with the work of the Panel after the Second Draft to make CAM for the NFPA membership's consideration and vote².

As described in the Regs, NFPA's Technical Meetings are "meetings of the NFPA membership, authorized by these regulations and the NFPA bylaws at Section 4.3, for the purpose of making recommendations to the Standards council on the issuance of NFPA standards." These "recommendations" are accomplished through the filing and presentation of CAMs. The NFPA technical meeting "provides the opportunity for further consideration of views and objections." In addition to NFPA members, any member of the public may attend, speak and participate in the debate at the Technical Meetings.

The NFPA membership is not a balanced body and is not a consensus body, nor does NFPA's standards development process treat it as such. For that reason, a successful CAM must be confirmed by the Technical Committee as outlined in the Regs. When the NFPA membership votes at an NFPA technical meeting, it becomes a "recommendation" in the process, and it is not a substitute for the Technical Committee or Panel, which is the consensus body. See Generally, Section 4.5.3.2 of the Regs on "Authority of an NFPA Technical Meeting".

The Appellant's specific claim is that circuit breaker manufacturers exerted dominance at the 2022 because there were a disproportionate number of voting NFPA Members in attendance who are also circuit breaker manufacturers. Since the NFPA membership is not a balanced body, there are not restrictions on which NFPA members can attend the technical meeting based on interest classification or affiliation. The meeting is open to all voting members, as well as stakeholders for debate.

The record reflects that the Appellant had an opportunity to present his CAMs and they were fully discussed and debated by parties for and against the motions. The Appellant, and all others who spoke on the CAMs, had an equal amount of time to speak (as reflected by the use of a timer at the technical meeting to give equal speaking time to all). There were varied interests who rose to speak for the motion: a representative of the National Association of Home Builders spoke twice, and the Appellant rose to speak once to make his motion, and then a second time to address issues raised in debate. Four parties spoke against the motion, including Schneider Electric, the National Electrical Manufacturers Association (NEMA), Eaton, and Siemens.

While NFPA does not publish the names and affiliation of every NFPA member voting at a given time during the technical meeting. Even so, the Appellant estimated that there were 250 NFPA members, who were also circuit breaker manufacturers who voted at the Technical Meeting. There were 561 votes on CAM 70-94, and requires only simple majority to pass. The record shows that CAM 70-94 failed by 492 against and 69 in support. This reflects overwhelming lack of support. The result is that the Standards Council receives a record showing the text recommended by CMP 2 (the consensus body) at the Second Draft, the recommendation by the NFPA membership at the technical meeting, and the Appellant's appeal, which is another opportunity in the process to express disagreement with the position of CMP 2. Council finds that AHAM had an equal opportunity to express its views to several bodies in NFPA's standards development process, including CMP 2, the NFPA membership and the Standards Council through its PCs, participation at the Second Draft meeting, making a presentation to CMP 2, presenting a CAM to the membership and also presenting this appeal. There is no evidence to suggest that there was such an exercise of authority or influence to the point of excluding AHAM from having its views fairly and equitably considered. In addition, there is no evidence on the record that any other party claimed that there was any position or exercise of dominant authority, leadership, or influence by reason of superior

² An NFPA member must be in good standing for at least 180 consecutive days prior to the Technical Meeting and be in attendance to be eligible to vote on CAMs.

leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

As outlined above, Council finds that CMP 2 is balanced by interest classification and that all interested parties had equal opportunity to participate in the 2023 NEC revision cycle. Yet, the Council acknowledges that by expanding GFCI protection for receptacles in dwelling units, the requirements in Article 210 impact AHAM's home appliance members in new ways. The Council agrees with the Appellant that it is therefore important to expand CMP 2 membership to add additional parties that may now be directly impacted by Article 210. AHAM was added to CMP 2 at the Council's December 2021 meeting and a manufacturer of HVAC equipment was added to CMP 2 at the most recent Council meeting (see Minutes Attachment 22-8-1-a). With the addition of new manufacturers, Council specifically directs NFPA staff to call for additional members to CMP 2 in other interest classifications as well. See SC D#22-12 for a similar direction regarding a call for members on CMP 2.

Lastly, the Appellant describes technical concerns about the interoperability between GFCI and modern appliances, and the serious practical challenges this may present in the field. Council is aware of a similar interoperability concern from the HVAC industry, and has considered appeals on 210.8(F) for similar reasons (see, e.g., SC D#21-8 and SC D#22-12). In the case of HVAC interoperability with GFCI, the Council directed the formation of a task group of affected stakeholders, which considered the technical issues at hand and proposed a path forward. Council believes the same approach is warranted in this matter and directs the formation of a Task Group of affected stakeholders, including AHAM, appliance manufacturers, ground fault circuit interruptor manufacturers, among other interested parties, to evaluate the issues raised and consider whether a TIA may be appropriate.

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 NFPA 70, *National Electrical Code* will not include the text of Second Revision No. 7956.

Council Members Rodger Reiswig and John Kovacik recused themselves from the deliberations and vote on this appeal.

Council Members Michael Johnston and Jack Poole were not in attendance during the August 2022 meeting and therefore did not participate in the deliberations and vote on the appeal.

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MEMORANDUM

TO: NFPA Standards Council

CC: Greg Woyczynski, Association of Home Appliance Manufacturers (AHAM)

FROM: Dawn Michele Bellis, Secretary

DATE: 9 August 2022

SUBJECT: Dominance Claim Investigation: Information for Consideration

I. Background and ANSI Requirements

NFPA received a written appeal from Greg Woyczynski, on behalf of the Association of Home Appliance Manufacturers (“AHAM”) (Standards Council agenda as item 22-8-5-r), which includes a written claim of dominance as one of the reasons he seeks the Council to overturn the results of NFPA Membership vote at the June 2022 Technical Meeting and issue Certified Amending Motion 70-94 (CAM-70-94). CAM-70-94 is an amendment to Section 210.8(A) on the National Electrical Code® (“NEC®”) and relates to ground fault circuit interrupter protection for certain receptacles in dwelling units.

As an American National Standard (ANS), the NEC must be developed in accordance with the *Regulations Governing the Development of NFPA Standards* (the “Regs”), which are accredited by American National Standards Institute (ANSI) to meet ANSI’s *Essential Requirements* for due process (the “Essential Requirements”). One of the Essential Requirements is a lack of dominance within the standards development process. Specifically, Section 1.2 of the ANSI Essential Requirements (2022 edition) states:

The standards development process shall not be dominated by a single interest category, individual or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

Council has received AHAM’s written appeal and has granted AHAM a hearing on its appeal, which will give Council an opportunity to further investigate AHAM’s claim of dominance related to CAM 70-94. The purpose of this memo is to provide information about the recent NEC standard development process so that Council can fully review considerations that may be relevant to its assessment of this dominance claim.



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II. *ANSI Considerations in Reviewing a Dominance Claim*

Analyzing the existence of dominance is different from determining whether an ANS consensus body meets the numeric requirements of balance for interest categories. The Essential Requirements have no specific test defined for dominance. Instead, ANSI’s “Guidance on ‘Lack of Dominance’ within the American National Standards (ANS)” offers suggested considerations that a standards developer may review in assessing whether an attempt is being made to exclude the fair and equitable consideration of other viewpoints. For reference, [ANSI Essential Requirements](#) and the “[Guidance on Lack of Dominance](#)” are hyperlinked and publicly available on the ANSI website.

ANSI Guidance states that in assessing whether an attempt is being made to exclude the fair and equitable consideration of other viewpoints, a developer may consider whether one or more person(s)/organizations:

- are deliberately acting in a way which precludes others from having the opportunity to express their viewpoints;
- submits comments that are intended to or always cause a new vote;
- take actions to “control the agenda, the meeting schedule, ballot issuance, membership on the consensus body and/or related work groups”

ANSI guidance also suggests that some ways to reduce the likelihood of dominance may include:

- a knowledgeable Chair in place to ensure fairness and due process;
- a clear, public meeting agenda issued and available in advance of a meeting discussion;
- in relation to meeting discussion, consider timekeeper/ time clock;
- be mindful of interest categories represented on the consensus body versus those represented at a meeting to ensure an opportunity for all viewpoints to be heard and considered

In the context of these considerations offered by ANSI, please find a summary of the NEC standards development process for the 2023 edition to date. The particular section of the NEC that AHAM seeks to amend is 210.8(A), for which Panel 2 is responsible. The included summary therefore focuses in part on Panel 2’s conduct during the process, as well as the participation related to Section 210.8(A).

III. *Panel 2 Membership during the 2023 revision cycle (2020-present)*

At the time of First Draft ballot, Panel 2 included 15 principal members, representing 8 distinct NFPA classifications. Specifically, there were: 2 Enforcer principals; 3 Installer/Maintainer principals; 1 Labor principal; 3 Manufacturer principals; 1 Special Expert principal; 1 Research and Testing principal; 3 User principals; and 1 Utility principal.

The following is a breakdown of the classifications and representation of the voting principals on the Panel at the First Draft ballot:

- **3 Manufacturers – 20%** (National Electrical Manufacturers Association (NEMA), Schneider Electric and Leviton Manufacturing Company, Inc.)
- **1 Labor -6%** (International Brotherhood of Electrical Workers)



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- **3 Installer/Maintainers- 20%** (Independent Electrical Contractors (IEC), National Electrical Contractors Association (NECA) and Faith Technologies Electrical Contractor)
- **2 Enforcers-13%** (International Association of Electrical Inspectors (IAEI) and New York City Department of Buildings)
- **1 Research/Testing -6%** (Underwriters Laboratory (UL))
- **1 Special Expert-6%** (University of Houston Clear Lake)
- **3 Users-20%** (American Chemistry Council (ACC), IEE-IAS/PES, National Association of Home Builders (NAHB);
- **1 Utility -6%** (Electric Light & Power Group)
- US Consumer Product Safety Commission was also on the panel as a nonvoting member

At the time of Second Draft ballot, Panel 2 included 15 principal members, representing 8 distinct NFPA classifications. Specifically, there were: 2 Enforcer principals; 3 Installer/Maintainer principals; 1 Labor principal; 3 Manufacturer principals; 1 Special Expert principal; 1 Research and Testing principal; 3 User principals; and 1 Utility principal.

The following is a breakdown of the classifications and representation of the voting principals on the Panel at the Second Draft ballot:

- **3 Manufacturers – 20%** (National Electrical Manufacturers Association (NEMA), Schneider Electric and Leviton Manufacturing Company, Inc.)
- **1 Labor -6%** (International Brotherhood of Electrical Workers)
- **3 Installer/Maintainers- 20%** (Independent Electrical Contractors (IEC), National Electrical Contractors Association (NECA) and Faith Technologies Electrical Contractor)
- **2 Enforcers-13%** (International Association of Electrical Inspectors (IAEI) and New York City Department of Buildings)
- **1 Research/Testing -6%**(Underwriters Laboratory (UL))
- **1 Special Expert-6%** (University of Houston Clear Lake)
- **3 Users-20%** (American Chemistry Council (ACC), IEE-IAS/PES, National Association of Home Builders (NAHB));
- **1 Utility -6%** (Electric Light & Power Group)
- US Consumer Product Safety Commission was also on the panel as a nonvoting member

Currently, Panel 2 includes 16 principal members, representing 8 distinct NFPA classifications. Specifically, there are: 2 Enforcer principals; 3 Installer/Maintainer principals; 1 Labor principal; 4 Manufacturer principals; 1 Special Expert principal; 1 Research and Testing principal; 3 User principals; and 1 Utility principal. Largely the panel membership stayed the same throughout the 2023 NEC revision process, except for the addition of AHAM to the panel in December 2021 and some changes to the individuals representing organizations.

The following is a breakdown of the classifications and representation of the voting principals on the Panel:

- **4 Manufacturers – 26.6%** (Association of Home Appliance Manufacturers (AHAM), National Electrical Manufacturers Association (NEMA), Schneider Electric and Leviton Manufacturing Company, Inc.)



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- **1 Labor -6%** (International Brotherhood of Electrical Workers)
- **3 Installer/Maintainers- 20%** (Independent Electrical Contractors (IEC), National Electrical Contractors Association (NECA) and Faith Technologies Electrical Contractor)
- **2 Enforcers-13%** (International Association of Electrical Inspectors (IAEI) and New York City Department of Buildings)
- **1 Research/Testing -6%**(Underwriters Laboratory (UL))
- **1 Special Expert-6%** (University of Houston Clear Lake)
- **3 Users-20%** (American Chemistry Council (ACC), IEE-IAS/PES, National Association of Home Builders (NAHB);
- **1 Utility -6%** (Electric Light & Power Group)
- US Consumer Product Safety Commission is also on the panel as a nonvoting member

Full Name	Principal	Classification	Org Representative?	Directed Vote?	Employer
David G. Humphrey	Chair	E	International Association of Electrical Inspectors (IAEI)	Directed Vote	County of Henrico, Virginia
Mathher Abbassi	Principal	E	N/A	N/A	New York City Department Of Buildings
David W. Johnson	Principal	IM	Independent Electrical Contractors, Inc. (IEC)	Directed Vote	CenTex IEC
Fred Neubauer	Principal	IM	National Electrical Contractors Association (NECA)	Directed Vote	Neubauer Electric Inc.
Mark Daniel Cook	Principal	IM	N/A	N/A	Faith Technologies Electrical Contracting
John McCamish	Principal	L	International Brotherhood of Electrical Workers (IBEW)	No Directed Vote	NECA IBEW Electrical Training Center
Greg Woyczynski	Principal	M	Association of Home Appliance Manufacturers (AHAM)	Directed Vote	Association of Home Appliance Manufacturers (AHAM)
Thomas A. Domitrovich	Principal	M	National Electrical Manufacturers Association (NEMA)	Directed Vote	Eaton Corporation
Alan Manche	Principal	M	N/A	N/A	Schneider Electric
Steve Campolo	Principal	M	N/A	N/A	Leviton Manufacturing Company, Inc.
Frederick P. Reyes	Principal	RT	UL, LLC. (UL)	Directed Vote	UL LLC
Thomas L. Harman	Principal	SE	N/A	N/A	University of Houston-Clear Lake
Charles L. Boynton	Principal	U	American Chemistry Council (ACC)	Directed Vote	Dow/The DuPont Company, Inc.
Nehad El-Sherif	Principal	U	IEEE-IAS/PES JTCC (IAS/PES)	Directed Vote	MNKYBR Technologies Inc.



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Daniel Buuck	Principal	U	National Association of Home Builders (NAHB)	Directed Vote	National Association of Home Builders (NAHB)
Christopher J. Pavese	Principal	UT	Electric Light & Power Group (ELPG/EEI)	Directed Vote	Duke Energy

Greg Woyczynski from AHAM submitted applications for membership on CMP 2 and CMP 17 which were received April 19, 2021. When an applicant is representing a third party, NFPA's Standards Development process requires that third party to confirm its agreement that the applicant is authorized to represent it on the panel. AHAM authorized Mr. Woyczynski's representation on CMP 17 as an alternate on March 31, 2021, however, AHAM did not provide authorization for Mr. Woyczynski to represent it on Panel 2 as a voting principal until June 17, 2021. The deadline was June 10, 201 for completed membership applications to be considered at the Standards Council's August 2021 meeting. Membership application deadlines are in effect before every Council meeting to ensure sufficient time for NFPA staff and responsible Panel/Committee Chair recommendations on each application. Mr. Woyczynski was appointed to CMP 17 as alternate at the August 2021 Council meeting and appointed to CMP 2 as principal during Council's December 2021 meeting. Mr. Woyczynski received email notification of his appointment to CMP 2 on December 14, 2021. Second Draft ballots for CMP 2 were sent December 7, 2021 for action; therefore, anyone appointed at the December Council was not included in the Second Draft balloting for the NEC.

IV. Summary of Panel 2's NEC Standards Development Activity during the 2023 edition revision cycle

The Public Input period opened on November 1, 2020 and closed on September 10, 2021.

- There were 331 PIs received by Panel 2 and 22 of the PIs were on this Section.
 - PIs came from a variety of diverse sources, including, but not limited to: a master electrician, a person representing themselves, the National Electrical Manufacturers Association (NEMA), the International Association of Electrical Inspectors (IAEI), Schneider Electric, the State of Minnesota Department of Labor and Industry and the City of Janesville, Wisconsin;
 - The PIs on this Section 210.8(A) sought to address a range of technical matters such as: use of GFCI protection to mitigate shock hazards associated with proximity to water/plumbing fixtures, shock hazards in basement areas, as well as shock hazards associated with the use of appliances or appliance cords, etc.;
 - Multiple Public Inputs were the basis for the First Revision created by CMP 2 at the First Draft meeting;
 - AHAM submitted no PIs on this Section. AHAM submitted 1 Public Input for consideration by CMP 11 during the first draft stage of development. (Public Input 1919 (440.65 – Panel 11) submitted by Matt Williams, AHAM). This PI was on the topic of arc fault circuit interrupter (AFCI) protection and air conditioners. Panel 11 did not make a revision based on this PI, but did resolve the proposal with a paragraph-long response.
- The First Draft Meeting was January 11-16, 2021 and held remotely/electronically via Microsoft Teams. Notice of the meeting was publicly posted on NFPA's website by



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NFPA's Staff on September 22, 2020. Alerts were also emailed to any person who was signed up to receive them. See attached for meeting notice ([Attachment 1](#)), which remains available on NFPA's website.

- The First Draft Meeting Agenda was posted publicly on December 19, 2020, in advance of the meeting. The Agenda was developed by NFPA staff using the standard agenda template. See attached for public agenda ([Attachment 2](#)).
- The First Draft Meeting Minutes were posted publicly and show that Panel 2 heard presentations from 7 different guests. Guest presentations included individuals who had opposing views on AFCI expansion, receptacles, a guest speaking on a PI, among others. The minutes reflect that equal time was offered to all guests addressing the panel. See [Attachment 3](#).
 - The minutes also reflect that 39 guests attended the meeting
 - The First Draft minutes show that Panel 2 acted on all 331 PIs and made 83 first revisions
- Panel 2 made a revision to 210.8(A) at First Draft, which ultimately failed the First Draft ballot and therefore became a "Committee Input" under NFPA's *Regulations Governing the Development of NFPA Standards* (the Regs). This revision related to the CAM at issue in AHAM's appeal. Specifically, the failed First Revision was:

(A) Dwelling Units.

All 125-volt through 250-volt receptacles ~~installed in the locations specified in 210.8(A)(1) through (A)(11) and~~ supplied by single-phase branch circuits rated 150 volts or less to ground shall ~~have ground-fault circuit interrupter protection for personnel~~ be provided with GFCI protection.

~~1. Bathrooms~~

~~2. Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use~~

~~3. Outdoors~~

~~4. Crawl spaces — at or below grade level~~

~~5. Basements~~

~~Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.~~

~~Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).~~

~~6. Kitchens — where the receptacles are installed to serve the countertop surfaces~~

~~7. Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink~~

~~8. Boathouses~~

~~9. Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall~~

~~10. Laundry areas~~

~~11. Indoor damp and wet locations~~



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Exception No. 1: Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

Exception No. 2: A receptacle supplying only a permanently installed fire alarm or ~~burglar alarm~~ security system shall not be required to have ~~ground-fault-circuit-interrupter~~ GFCI protection.

Exception No. 3: Listed ~~locking support and mounting receptacles utilized~~ weight-supporting ceiling receptacles (WSCR) used in combination with compatible ~~weight-supporting attachment fittings (WSAF)~~ installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ~~ground-fault-circuit-interrupter~~ GFCI protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

Exception No. 4: All factory-installed receptacle outlets mounted internal to bathroom exhaust fans shall not require GFCI protection unless required by the installation instructions or listing.

The Committee's statement was:

Committee Statement: This change recognizes the fact that the residential home provides many areas of vulnerability with regard to shock hazards.

There is a broad distribution of incidents over many products and product categories. National consumer product related electrocution estimates show that based on data collected by the CPSC for a 10-year period the US loses an average of 49 consumer lives every year. Lives are lost each year not just because of proximity to water but due to use of appliances, extension cords and other items that can be plugged into any receptacle outlet within a home. Outside of receptacle outlet examples, lighting examples of loss of life due to shock are also a statistic.

Exception No. 1 is modified to address the fact that the list of areas is no longer present.

Exception No. 2 for permanently installed fire alarm or security systems was expanded to any receptacle, regardless of location as this equipment can be found in more locations than the basement. The informational note was deleted as it is not necessary. In addition "burglar alarm" was replaced with "security" as security system is the proper terminology currently used.

Exception No. 3 changes add terminology for weight supporting ceiling receptacles and weight supporting attachment fittings. In addition, damp and wet locations are now included in the list of those areas not requiring GFCI protection when these devices are used as per their listing. Note to the correlating committee: The addition of the WSAF and WSCR terms are contingent upon the success of these added new terms not under the purview of CMP 2. If these definitions are not accepted the discrepancy should be reconciled with this first revision.

A new exception No. 4 was added to provide clarity regarding factory installed receptacles internal to exhaust fans while directing the user to follow installation instructions. This receptacle located internal to the exhaust fan is not meant for public use as it is dedicated for the exhaust fan. In addition, this receptacle would



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not be required to have GFCI protection as per 90.7 due to the fact this is internal to the equipment.

- After the First Draft Meeting, on March 15, 2021, Panel 2 was balloted on the proposed First Draft. The ballot closed on March 29, 2021, and was circulated on March 30, 2021 with a closing date of April 6, 2021. The First Revision on 210.8(A) failed CMP 2 ballot.
- At the time of balloting, there were 15 members on CMP 2.
 - 8 voted “affirmative all” for all First Revisions;
 - 1 voted affirmative with comment on 210.8(A);
 - 6 voted against the revision proposed on 210.8(A).
- Specifically, the First Draft Ballot comments on 210.8(A) were as follows:

Affirmative with Comment

Cook, Mark Daniel (Installer/Maintainer classification)

- This will force installations of two circuits for dwellings. Lighting and receptacles. If both or on the same circuit and the GFCI trips it will leave the occupant potentially in the dark creating additional unseen hazards. Clarity should be given.

Negative with Comment

Abbassi, Mathher (Enforcer classification)

- I can't identify the added safety in making all circuits in a dwelling GFCI protected. There is no substantiation for the unnecessary expense to try to address a hazard that doesn't exist.

Boynnton, Charles L. (User classification)

- Insufficient technical data to support expansion of GFCI's to all areas of the home. Expansion in these areas without justification, may limit adoption of certain parts of NEC in some states.

Humphrey, David G. (Enforcer classification))

- The expansion of GFCI to the whole house deviates significantly from the incremental approach to expansion that has been in place for many years. Without additional substantiation this FR could face significant opposition at the local and state levels.

Lujan, Cesar (User classification)

- No technical justification. Incorrect cost statement.

Neubauer, Fred (Installer/Maintainer classification)

- Insufficient substantiation has been provided that would now require GFCI protection of receptacles in all locations of a dwelling. GFCI protection is generally required in wet and damp locations which is what should be the primary requirement of when GFCI protection should be required. Adding this excessive requirement will add to the list of States that are not adopting the NEC in its entirety or in part.

Pavese, Christopher J. (Utility classification)

- Lack substantiation



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Correlating Committee Note No. 113 provided the following information for CMP 2 to consider at Second Draft on Section 210.8(A): “The Correlating Committee notes that Exception No. 1 is a permissive exception and shall be located after the mandatory exceptions in accordance with NEC Style Manual 2.6.1. In addition, it is noted that Exception No. 2 does not correlate with the language in 760.41(B) and 760.121. These sections don't permit GFCI protection for these circuits.”

- The First Draft as balloted by the Panel was published on June 28, 2021. The Public Comment period opened on June 28, 2021 and closed on August 19, 2021.
- During the Public Comment period, CMP 2 received 155 Public Comments (“PCs”) and 9 of the PCs were on Section 210.8(A).
 - Public Comments were received from International Association of Electrical Inspectors (IAEI), Schneider Electric, National Electrical Manufacturers Association (NEMA), an individual representing himself, American Circuit Breakers Manufacturers Association (ACBMA), ChargePoint Inc, Association of Home Appliance Manufacturers (AHAM), Arcadis U.S. Inc., and the correlating note from the Correlating Committee.
 - AHAM submitted 2 Public Comments for consideration of the CMP during the second draft stage of development. (Public Comments No. 2201 (re: 210.8(A)) and No. 2204 (re: 210.12(B)) submitted by Matt Williams, AHAM).
- AHAM’s PC on 210.8(A) was as follows:

(A) Dwelling Units.

All 125-volt through 250-volt receptacles installed in the locations specified in 210.8(A)(1) through (A)(11) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

1. Bathrooms
2. Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use
3. Outdoors
4. Crawl spaces — at or below grade level
5. Basements

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).
6. Kitchens — where the receptacles are installed to serve the countertop surfaces
7. Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink
8. Boathouses
9. Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall
10. Laundry areas



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11. Indoor damp and wet locations

Exception No. 1: Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

Exception No. 2: A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Exception No. 3: Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

AHAM is submitting public comments on NEC 2023.

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on 2023 NEC. AHAM continues to be concerned about NFPA's specifying product level requirements that are beyond the listing requirements yet is not doing anything to assure that the misalignment is addressed.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The appliance industry directly employs over 377,000 workers in the U.S. and AHAM members produce more than 95% of the household appliances shipped for sale domestically. The industry's total economic impact exceeds \$198 billion. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental impact as new appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM supports NFPA and the efforts to have a US National Electric Code. AHAM is a member of CMP-17 and has applied for membership of CMP-2. AHAM is concerned that NFPA continues to establish requirements for AFCIs and GFCIs when there are known nuisance tripping issues between the devices and other products.

- *The addition of the GFCI requirement on 240 volt circuits has created a product requirement for HVAC equipment as noted in TIA 1564 that is beyond the listing requirements for the HVAC equipment. This is similar to the issues AHAM brought up in TIA's 1537 and 1563. A transition period was not provided, thus multiple states have resorted to amending the 2020 NEC, removing or delaying the recent changes. The TIA requests from both AHAM and AHRI was to provide short term relief from incompatibility tripping of mandated GFCI receptacles, while robust technological solutions are developed and deployed by manufacturers. This extension of the effectivity date on GFCI clauses has been a common theme of TIA requests in the last 12 months. NFPA needs to look at their effectivity date setting process. NFPA is not talking, not listening, nor proactively working with parallel SDOs before implementing their own product requirement that is beyond the product listing requirement. AHAM recommends NFPA review processes at other standards development organizations, specifically how effectivity dates are set and the subsequent communications to announce them.*



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- *AHAM has put out the following press release on the GFCI and electric range compatibility issue.* https://www.aham.org/AHAM/News/Latest_News/AHAM_Release_s_Recommendations_for_Range_Placement.aspx

CMP 2's response to AHAM was:

Committee Statement

Committee Rejected

Action:

Resolution: The public comment does not meet the requirements of Section 4.4.4.3(c) of the Regulations Governing the Development of NFPA Standards, as it does not include proposed text.

- The Second Draft Meeting was held remotely over Microsoft Teams on October 18-21, 2021.
- The Second draft meeting notice was published on June 29, 2021 and the agenda was posted on October 1, 2021. The agenda was developed by NFPA staff using a standard agenda template (See Attachment 4).
- Second Draft Meeting minutes were publicly posted on January 24, 2022 and show that there were 48 guests who attended all or part of the meeting, and 7 guests made presentations to CMP 2, including Greg Woyczynski, who represented AHAM. Based on the minutes, Mr. Woyczynski spoke about 210.8(A) and 210.12. The other presenters spoke about 210.12 and 210.8(F). The minutes reflect that all presenters were offered equal presentation time of 10 minutes. (See Attachment 5)
 - The other presenters included: Leading Builders of America, AHRI, the American Circuit Breaker Manufacturers Association, the National Association of Home Builders, two manufacturers, and an individual representing himself.
 - The minutes also reflect that the guests in attendance represented a range of interests, including but not limited to, consulting companies, utilities, manufacturers, labor, associations, enforcers, contractors, etc. (See page 4-5 of Attachment 5).
- After the Second Draft Meeting, the Panel was balloted on the proposed Second Revisions on December 7, 2021 with a closing date of December 21, 2021 with a closing date of January 5, 2022.
 - There were three second revisions balloted on Section 210.8(A) by CMP 2: SR Nos. 7944 (detail), 7950, and 7956 (detail). The Second Revisions were as follows:

(A) Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations ~~specified in 210.8(A)(1) through (A)(11)~~ and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

1. Bathrooms
2. Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use
3. Outdoors



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4. Crawl spaces — at or below grade level
5. Basements

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

6. Kitchens — ~~where the receptacles are installed to serve the countertop surfaces~~
7. Areas with sinks and permanent provisions for food preparation, beverage preparation, or cooking
8. Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink
9. Boathouses
10. Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall
11. Laundry areas
12. Indoor damp and wet locations

Exception No. 1: Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

Exception No. 2: A receptacle supplying only a permanently installed ~~fire alarm or burglar alarm~~ premises security system shall ~~not be required to have~~ be permitted to omit ground-fault circuit-interrupter protection.

Exception No. 3: Listed ~~locking support and mounting~~ weight-supporting ceiling receptacles (WSCR) utilized in combination with compatible ~~weight-supporting~~ attachment fittings (WSAF) installed for the purpose of ~~servingsupporting~~ a ceiling luminaire or ceiling-suspended fan shall ~~not be required to be~~ be permitted to omit ground-fault circuit-interrupter ~~protected~~ protection. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling-suspended fan, GFCI protection shall be provided.

Exception No. 4: Factory-installed receptacles that are not readily accessible and are mounted internally to bathroom exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

The reference to single phase was not removed. The language in this section only applies to 120 V through 240 V receptacles that are supplied by branch circuits 150 V or less to ground.

The renumbering of the exceptions is not accepted as the numbering scheme is required by the Style Manual, 2.6.2. In addition, the exceptions were not associated only with a specific section, as the language is clear and driven by the load served, rather than just in a specific location.

Exception 2 was modified, removing “fire alarm” because the structure of the Code under 90.3 already addresses this in fire alarm branch circuit requirements found 760.41 and 760.121. “Burglar alarm systems” was modified to align with the phrase “premises security systems” which is taken from NFPA 731 and NFPA 730. “Shall not be required to have” was modified to



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align with the Style Manual.

Exception 3 was modified for clarity. The word “Paddle” was not added to ensure that all ceiling fans are addressed. Exception 3 was also modified to make the language permissive per the Style Manual.

The informational note was relocated to the end of 210.8(A) for clarity and usability.

Revisions to item (6) and the addition of new item (7) are balloted separately on SR-7956.

New Exception No. 4 is balloted separately on SR-7944.

- The ballot results on SR No. 7944 (new exception No. 4) were: 12 affirmative (as affirmative all votes); 3 affirmative with comment; 0 against; 0 abstained; and 0 not returned.
- The ballot results of SR. No. 7950 were: 13 affirmative (as affirmative all votes); 2 affirmative with comment; 0 against; 0 abstained; and 0 not returned.
- The ballot results of SR. No. 7956 were: 11 affirmative (as affirmative all votes); 4 negative with comment; 0 abstained; and 0 not returned. (See [Attachment 6](#))
 - SR 7956 related to (6) and (7) in 210.8(B). The Committee statement was:

“GFCI protection was expanded to address any cord and plug appliance in the kitchen, regardless of whether the receptacle serves the countertop. The CPSC database demonstrates 104 electrocutions from 2011-2020, of which 81 percent were working on an appliance or other type of appliance or equipment. GFCI protection can be provided to provide protection for those who are working on cord-and-plug appliances and/or cord and-plug-connected equipment. Electrical hazards are not just due to the proximity of the appliance to water. These appliances and equipment have both the power supply and the grounded frame to complete the current path, creating the hazard to the individual.”

- The 11 affirmative votes were from: 2 Users, 3 Manufacturers, 2 Installer/Maintainers, 1 Enforcer, 1 Special Expert, 1 Labor and 1 Research/Testing classifications.
- The four negative with comment were from an Enforcer, a User, an Installer/Maintainer and a Utility classification and they offered the following comments:

Negative with Comment

Abbassi, Mathher: TR no. 7956 has introduced an overreaching requirement for spaces and areas where receptacles or equipment are not subject t for water splashing or liquid spillage. Additionally, it is not the intent of the code to protect unqualified people who lack basic electrical safety training or equipment being installed or serviced illegally. Lastly, the language presents confusion for enforcement.

Buuck, Daniel: There has been a dramatic decrease in electrocutions since the introduction of GFCI devices, despite an increase in the number of dwellings. GFCI protection makes sense in a kitchen where wet or damp conditions are common, such as near a sink or on a countertop for food preparation. This protection is already in place and is working. This SR goes well beyond that by requiring all kitchen receptacles to comply, even those that are not near wet areas. The



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new number (7) has a similar problem, since an "area" is undefined and may be determined to apply to the entire room. There is also no exception for critical appliances, such as refrigerators and freezers. If these are on a GFCI circuit that trips, it could lead to the costly loss of food and refrigerated medications.

Neubauer, Fred: GFCI devices have reduced electrocutions since their introduction. GFCI protection has been typically required in wet and damp locations. This SR extends the protection beyond that. Currently most dwellings have freezers and refrigerators that plug into non countertop plugs that are NOT GFCI protected. Homeowners potentially could lose a unit full of food if a GFCI trips and it goes unnoticed.

Pavese, Christopher J. This Second Revision seeks to add "areas with sinks and permanent provisions for food preparation, beverage preparation or cooking" and remove the clause "where the receptacles are installed to serve the countertop surfaces" to and from the list of areas requiring GFCI protection in 210.8(A). There is no substantiation of any fatalities from the recent Consumer Product Safety Commission (CPSC) database that involved contact of an appliance or piece of electrical equipment and the sink. There were 104 fatalities shown in the recent CPSC database. Some were involving kitchen appliances, however the major cause for the loss of life (approximately 81%) occurred when the victim attempted to repair, modify or install the appliance and contact occurred with the grounded elements within the particular appliance. These fatalities could have been resolved if the product standard would have required a Leakage-Current Detector-Interrupter (LCDI) in the cord.

- The Second Draft published on March 21, 2022, it was open for NITMAMs through April 11, 2022. Section 210.8(A) received 2 NITMAMs, which were both certified as Certified Amending Motions (CAMs) eligible to be pursued at the 2022 Technical Meeting. The CAMs were submitted by Kevin Cheong representing ChargePoint Inc. and Greg Woyczynski representing AHAM.
- AHAM presented 2 CAMs for debate at the Technical Meeting (70-94 and 70-95). Neither of the AHAM CAMs passed the vote of the NFPA membership present and participating in the Technical Meeting (votes for 70-94 were 69-492; votes for 70-95 were 134-424).
- NFPA also made available a dedicated site where interested members of the public could submit statements or positions related to the CAMs under consideration at the Technical Meeting. There were no online position statements submitted related to AHAM's CAMs.

V. AHAM claims the NFPA's association membership must be balanced when it votes on CAMs at the annual Technical Meeting; however, it is not a consensus body within NFPA's standards development process

NFPA is a membership organization, which means that any member of the public may purchase a membership. Membership comes with a number of benefits (e.g. access to NFPA's Xchange forum, Technical Questions Service, discount on NFPA products and services, subscription to NFPA's Journal, etc.), including voting privileges at the NFPA Technical Meeting after 180 consecutive days of membership.



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Each year, NFPA holds an annual Technical Meeting, which allows an eligible person who is not satisfied with the work of the Committee after the Second Draft to make an authorized motion for the NFPA membership's consideration and vote. Eligibility to make a motion and the types of authorized motion are limited by the Regs and the Technical Meeting Convention Rules. Only Certified Amending Motions (CAMs), (those certified in accordance with the Regs by the Motions Committee) and posted in advance on the publicly available agenda may be presented at the Technical Meeting.

The purpose of making a CAM is to get the NFPA membership's support for a position. Only NFPA Members in good standing for at least 180 consecutive days prior to NFPA's Technical Meeting and in attendance are eligible to vote on CAMs. CAMs need simple majority vote of the NFPA membership to pass.

The NFPA membership body is not balanced, and therefore, a successful CAM must be confirmed by the Technical Committee as outlined in the Regs. The NFPA membership vote at the Technical Meeting is a voice in NFPA's standards development process, but is not a substitute for the Technical Committee or Panel, which is the consensus body. If the NFPA membership does not support a CAM, the Technical Committee's balloted position at Second Draft remains as the recommendation submitted to NFPA's Standards Council for issuance.

VI. No undue financial barriers in NFPA's development process

AHAM's appeal includes a statement that there are financial barriers to participate in NFPA's standards development process. The NFPA process is fully transparent and open to anyone's participation—free of charge.

- Submissions of public input, public comments, notices of intent to file a motion, and tentative interim amendments may be filed by anyone through the NFPA website.
- Participation in the standards development process does not require NFPA membership.
- Participation on committees (consensus bodies) does not require NFPA membership nor fees for appointment.
- Technical Meeting participation can be remote through submission of online position statements, without restrictions.
- Live debate participation at Technical Meeting is available without charge of registration fee.

Standards Council appeals process accommodate requests for remote participation for hearings/appeals.

Anyone can appeal to the Standards Council; there is no fee or requirement that an appellant be a member of NFPA. If an appellant requests a hearing, such hearings are open to the public.



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Attachments: ANSI essential requirements, ANSI guidance, FD Meeting Notice, FD Meeting Agenda, FD Meeting Minutes, SD Meeting Notice, SD Meeting Minutes, SR 7956