



*Dawn Michele Bellis*  
Secretary, Standards Council

26 August 2022\*

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#22-1</b>
Standards Council Agenda Item:	<b>SC#22-8-6-1</b>
Date of Decision:	12 August 2022
NFPA 86, <i>Standard for Ovens and Furnaces</i> , 2023 Edition	

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 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, H. Dehn  
Members, TC on Ovens and Furnaces (OVE-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 results of the voting Association Members during the NFPA Technical Session and Reject Second Revision No. 7 or, alternatively, to delay issuance of NFPA 86 until processing TIA on same section is completed.

**DECISION:**

At its meeting of August 10-12, 2022, the Standards Council considered an appeal from Mike Grande, Wisconsin Oven Corporation. The appeal requests that the Standards Council overturn the results of the voting Association Members during the NFPA Technical Session and Reject Second Revision No. 7 for the 2023 edition of NFPA 86, *Standard for Ovens and Furnaces*. Alternatively, the appellant requests that the Standards Council delays issuance of the 2023 edition of NFPA 86 until Tentative Interim Amendment No. 1674 has completed balloting and is considered by the Council for issuance concurrently. The appeal specifically requests to revise Section 5.3.1.

As background, the Technical Committee voted to approve Second Revision No. 7 at second draft on section 5.3.1. The Second Revision was the result of the Technical Committee taking action on Public Comment No. 17. A Notice of Intent to Make a Motion (NITMAM) was filed by Mr. Grande to Reject Second Revision No. 7 and was certified by the Motions Committee, then presented for debate during the NFPA Technical Meeting as Certified Amending Motion (“CAM”) 86-6. CAM 86-6 failed to achieve the necessary simple majority support of the membership during the NFPA Technical Meeting. Mr. Grande filed an appeal with the Council based upon the unsuccessful result of CAM 86-6.

The text subject to the appeal of CAM 86-6 did not gain sufficient support within the standards development process for inclusion in the 2023 edition of NFPA 86, *Standard for Ovens and Furnaces*. 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 standard development process shows that the text subject to this appeal was part of a larger Task Group focused effort to clarify requirements in section 5.3.1 overall. Nonetheless, the Appellant expressed concern that he was caught off guard about the extent of the committee’s revision. Council specifically notes that Appellant has submitted TIA No. 1674 to accomplish the same technical result as the CAM which failed to achieve necessary support within the standards development process this cycle. TIA No. 1674 is currently processing, with the public being able to submit support or opposition through September 14, 2022. Once balloting of the TIA is finalized, it will be forwarded to the Council for action. Council finds merit in allowing the TIA to complete processing and encourages the Appellant and other interested parties to continue participating in the standards development process.

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, including the alternative request to delay issuance of NFPA 86 awaiting final Technical Committee ballot results of TIA No. 1674. The effect of this action is that the NFPA 86, *Standard for Ovens and Furnaces* will include the text of Second Revision No. 7.

Council member Richard Gallagher recused himself from the deliberations and vote on the 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.