Dawn Michele Bellis  
Secretary, Standards Council

11 September 2023*

To: Interested Parties

Subject:

| Standards Council Decision (Final): | D#23-10 |
| Standards Council Agenda Item:     | SC#23-8-12-a thru -f |
| Date of Decision:                  | 25 August 2023 |

Dear Interested Parties:

At its meeting of August 23-25, 2023, the Standards Council considered an appeal on the above referenced matter. The Council’s Final decision is now available and is attached herewith.

Sincerely,

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, L. Moreno, A. Ing  
Members, TC on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances (CHI-AAA)  
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 (see www.nfpa.org/regs). 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#23-10
Standards Council Agenda Item: SC#23-8-12-a thru -f
Date of Decision: 25 August 2023

SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeals to Reject First Revision No. 17 prior to issuance of NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2024 Edition.

DECISION:
At its meeting of August 23-25, 2023, the Standards Council considered appeals from Vincent DeCrisci, ChimneyTek, LLC; John Ceaser, Ceaser Chimney Services, Inc.; Steven T. Scally, Fireside Sweeps LLC; Derek Hannah, Higgins Energy Alternatives; Nathan Antrim, A Good Chimney Sweep & Masonry; and Peter Beardsley, Chimney Cricket Inc. The appeals all request that the Standards Council Reject First Revision No. 17 prior to issuance of the 2024 edition of NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances. Specifically, the appeal requests to delete paragraph 15.4.2.4.

As background, the Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances voted to create paragraph 15.4.2.4 as First Revision No. 17, which was included in the published First Draft Report of NFPA 211 during the revision cycle. During the Public Comment period, Public Comment No. 11 was filed which sought to delete paragraph 15.4.2.4. Public Comment No. 11 was rejected by the Technical Committee. During the publicly posted period during which to submit a Notice of Intent to Make a Motion (“NITMAM”), no NITMAMs were submitted, for certification by the Motions Committee. As a result, and in accordance with the Regulations Governing the Development of NFPA Standards (“Regs”), public announcement of NFPA 211 (proposed 2024 edition) as a consent standard was posted on the NFPA website, with 15 days to appeal issuance. During this period, the appellants filed notice of appeal seeking Standards Council’s intervention to remove paragraph 15.4.2.4 before issuance of the new edition of NFPA 211.

Additionally, a Tentative Interim Amendment (namely TIA No. 1733) was filed seeking to remove paragraph 15.4.2.4 from the proposed edition and processed through balloting of the Technical Committee as the standard awaited the Council’s August meeting to act upon appeals. TIA No. 1733 failed to achieve the necessary three-quarters support of the Technical Committee as required by the Regs when balloted and therefore recommendation was to not issue the TIA. The results of the Technical Committee’s ballot were also appealed to the Standards Council (See Related Standards Council Decision No. 23-9).

In the submitted appeal, the appellants assert that during the revision cycle for the 2024 edition of NFPA 211, the inclusion of new paragraph 15.4.2.4 created text which allows customers to determine the scope of chimney inspections, specifically as to which flues are to be inspected, rather than inspectors and chimney professionals. 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 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 2024 edition of NFPA 211, *Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances* will include the text of First Revision No. 17.

Council noted that the appellants and other members of the chimney industry are new to NFPA’s standards development process. *(See Related Standards Council Decision No. 23-9).* Council encourages interested stakeholders to participate through the submission of public inputs and public comments in the next revision cycle of NFPA 211 or to consider applying for membership to the Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances which is responsible for the development of NFPA 211.