7 September 2023*

To: Interested Parties

Subject:

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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, T. Vecchiarelli, S. Ganoe, G. Harrington, K. Carr
Members, TC on Residential Occupancies (SAF-RES)
Members, CC on Life Safety Code (SAF-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 (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#23-11  
Standards Council Agenda Item:  SC#23-8-11-b  
Date of Decision:  25 August 2023  

SUMMARY OF ACTION (for convenience only; not part of official decision):  The Standards Council voted to deny the appeal to overturn the ballot results of CAM 101-10 and to Accept Public Comment No. 53 with revision prior to issuance of NFPA 101.

DECISION:  
At its meeting of August 23-25, 2023, the Standards Council considered an appeal from Steven Sawyer, Self-Employed. The appeal requests that the Standards Council Accept Public Comment No. 53 but with additional amendment to include “only” following “Valet trash collection services shall” prior to issuance of the 2024 edition of NFPA 101®, Life Safety Code®. Specifically, the appeal requests to revise subsection 31.7.5.

As background, CAM 101-10 achieved the necessary support of the voting Association Members during the NFPA Technical Meeting. This amendment achieved the necessary support of the Correlating Committee on Safety to Life (CC) when balloted but failed to achieve the necessary support of the Technical Committee on Residential Occupancies (TC).

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 (who was also the submitter of the CAM) expresses lack of support for the CAM and seeks further revision of the affected text, which has not been considered or balloted by the responsible technical committee. The record reflects the lack of consensus that the process has yielded.

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 101, Life Safety Code® will not include the text of Public Comment No. 53.

Council encourages the appellant to consider filing a TIA to allow the responsible technical committee to fully consider the proposed revision.

Council Members Catherine Stashak, Anthony Apfelbeck and James Quiter recused themselves from the deliberations and vote on the appeal.