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, J. Sisco, G. Harrington
Members, TC on Fire Protection Features (BLD-FIR)
Members, CC on Building Code (BLD-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.
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal seeking to overturn the results of CAM 5000-1 and thereby Accept Public Comment No. 32.

DECISION:
At its meeting of August 23-25, 2023, the Standards Council considered an appeal from Marcelo Hirschler, GBH International. The appeal requests that the Standards Council overturn the results of CAM 5000-1 and Accept Public Comment No. 32 for the 2024 edition of NFPA 5000, Building Construction and Safety Code. Specifically, the appeal requests to revise paragraph 8.2.1.1.

As background, the Technical Committee rejected Public Comment No. 32 at second draft on section 8.2.1.1 of NFPA 5000. A Notice of Intent to Make a Motion (NITMAM) was filed by Mr. Hirschler to Accept Public Comment No. 32 and was certified by the Motions Committee, then presented for debate during the NFPA Technical Meeting as Certified Amending Motion (“CAM”) 5000-1. At the 2023 NFPA Technical Meeting, CAM 5000-1 failed to achieve the necessary simple majority support of the membership. Mr. Hirschler filed an appeal with the Council based upon the unsuccessful result of CAM 5000-1.

The text subject to the appeal of CAM 5000-1 did not gain sufficient support within the standards development process for inclusion in the 2024 edition of NFPA 5000, Building Construction and Safety Code. 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 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 5000, Building Construction and Safety Code, will not include the text as proposed in Public Comment No. 32.