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, M. Barker
   Members, TC on Flash Fire Protective Garments (FLG-AAA)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to uphold the appeal to overturn the Technical Committee ballot results and thereby not issue TIA No. 1732.

DECISION:
At its meeting of August 23-25, 2023, the Standards Council considered appeal from Sheida Sabetian and Mark Kaviani of Summit International. The appeal requests that the Standards Council overturn the Technical Committee on Flash Fire Protective Garments (TC) ballot results and not issue TIA No. 1732 for the 2023 Edition of NFPA 2112, Standard on Flame-Resistant Clothing for Protection of Industrial Personnel Against Short-Duration Thermal Exposures from Fire. Specifically, the appeal requests to retain paragraph 6.3.1.1.

As background, Section 6.3 on “Venting Materials” used in flame resistant garments was newly added to NFPA 2112 during the 2023 revision cycle and contains requirements for venting materials that are covered by fabric and also venting materials not covered by fabric. TIA No. 1732 was submitted by Amanda Newsom, whose substantiation described a “conflict” in this new section 6.3 and proposed a change that requires all venting materials to be covered. TIA No. 1732 achieved the necessary ¾ support of the TC on technical merit and emergency nature when balloted by the responsible committee.

The appellant asserts that TIA No. 1732 prohibits the use of uncovered venting materials without any data, tests results, field incidents or other information to support making this change. The substantiation for the TIA states that “uncovered fabric panels can be made of a potentially less protective flame resistance fabric…” and “could leave wearers vulnerable to increased burn injury”, but no documentation, incidents, or other safety, technical or scientific information was submitted to support the TIA.

The foundational premise for the TIA was that there was a “conflict” in Section 6.3 because the submitter believed that “[v]enting materials…were intended to be covered.” However, the standards development record on this section shows there was intention to allow a limited amount of uncovered venting materials in flame resistant garments. In fact, the current Section 6.3 was added to NFPA 2112 in response to Public Input No. 7 (“PI No.7”) from Amanda Newsom, who also submitted this TIA. PI No. 7 specifically included an allowance for venting materials not covered by fabric as long as such uncovered vents did not exceed 72 in² of the flame-resistant garment. The TC accepted PI No. 7 (successfully balloting First Revision No. 45 to reflect this text) to allow for a certain amount of uncovered venting materials with committee statement confirming that the revision was “adding design requirements to limit the use of venting materials…” The record did not reflect the TC’s intent to eliminate uncovered venting materials; rather, it appears to be an intended exception.

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 present a clear and substantial basis upon which to overturn the results yielded by the NFPA standards development process. The TC Chair submitted a written statement in response to the instant appeal and requested this TIA return for further consideration by the TC in light of the issues raised by the appellant. The Council agrees that this matter warrants full discussion and review. Accordingly, the Council has voted to uphold the appeal. The effect of this action is that the 2023 edition of NFPA 2112, *Standard on Flame-Resistant Clothing for Protection of Industrial Personnel Against Short-Duration Thermal Exposures from Fire* will not include the text of TIA No. 1732.

As a final note and Council action, based upon the information presented during the course of the hearing, the Council directs NFPA staff to form a balanced Task Group that includes the appellant to review the changes proposed by the TIA and report back to Council at its April 2024 meeting.

Council Member Dwayne Sloan recused from the deliberations and vote on the appeal.