11 September 2023*

To: Interested Parties

Subject:

| Standards Council Decision (Final): | D#23-7 |
| Standards Council Agenda Item: | SC#23-8-6-b |
| 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
    Members, TC on Automotive and Marine Service Stations (AUV-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.
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to uphold the results of the voting Association Members during the NFPA Technical Session and to Accept Public Comment No. 34.

DECISION: At its meeting of August 23-25, 2023, the Standards Council considered appeal from Kevin Cheong of ChargePoint, Inc. The appeal requests that the Standards Council uphold the vote of the Association during the NFPA Tech Session to Accept Public Comment No. 34 for the 2024 Edition of NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages. Specifically, the appeal requests to revise multiple paragraphs throughout the standard for the purpose of shifting scope of certain requirements in NFPA 30A to NFPA 70®.

As background, the Technical Committee on Automotive and Marine Service Stations rejected Public Comment No. 34 at second draft on multiple sections throughout NFPA 30A. A Notice of Intent to Make a Motion (NITMAM) was filed by Ms. Megan Hayes, National Electrical Manufacturers Association, to accept Public Comment No. 34 and was certified by the Motions Committee, then presented for debate during the NFPA Technical Meeting as Certified Amending Motion (“CAM”) 30A-30. At the 2023 NFPA Technical Meeting, CAM 30A-30 achieved the necessary simple majority support of the membership, however failed to achieve the necessary support of the technical committee when balloted. Mr. Cheong filed an appeal with the Council based upon the unsuccessful result of balloting on CAM 30A-30.

The text subject to the appeal of CAM 30A-30 did not gain sufficient support within the standards development process for inclusion in the 2024 edition of NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages. 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 paragraph 1.2 of the 2024 edition of NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages will return to previous edition text and Sections 1.1.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.16, 3.3.20, and Chapter 15 are deleted as no previous edition text exists.

As a final note: during the appeals hearing, questions were raised regarding potential overlap of scope responsibilities related to electric charging at fueling stations. To address these questions, Council requests that NFPA staff create a balanced Task Group of representatives from the technical committees responsible...
for NFPA 30A, NFPA 70, NFPA 385, and NFPA 855 to coordinate and recommend which technical committee is responsible for which aspects of Electric Vehicle charging at motor fueling, dispensing facilities, and repair garages. Additionally, the task group should identify if Technical Committee scopes are affected by the task group’s determinations; recommend text for TIA(s) to address, if appropriate; and report back to Council during or before the April 2024 scheduled Council meeting.