11 September 2023*

To: Interested Parties

Subject:

<table>
<thead>
<tr>
<th>Standards Council Decision (Final):</th>
<th>D#23-9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards Council Agenda Item:</td>
<td>SC#23-8-63-d</td>
</tr>
<tr>
<td>Date of Decision:</td>
<td>25 August 2023</td>
</tr>
</tbody>
</table>

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#23-9
Standards Council Agenda Item: SC#23-8-63-d
Date of Decision: 25 August 2023
TIA No. 1733 to NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2024 Edition

SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to overturn the Technical Committee ballot results and issue TIA No. 1733 to 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 an appeal from Jessica and Benjamin Marking of Pinkletink Chimney Service LLC. The appeal requests that the Standards Council overturn the Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances ballot results and issue TIA No. 1733 for 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 TIA was balloted through the Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances in accordance with the Regulations Governing the Development of NFPA Standards (Regs) to determine whether the necessary three-fourths majority support was achieved on technical merit and emergency nature for recommendation of issuance. TIA No. 1733 failed to achieve the necessary support of the Technical Committee on both technical merit and emergency nature. The appellants filed an appeal with the Council based upon the unsuccessful result of balloting TIA No. 1733. 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 paragraph 15.4.2.4 as supported by the results of the NFPA standards development process.

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. 23-10). 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.