



Dawn Michele Bellis
Secretary, Standards Council

18 December 2018

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#18-12
Standards Council Agenda Item:	SC#18-12-6-d
Date of Decision*:	7 December 2018
TIA No. 1388 on NFPA 110, <i>Standard for Emergency and Standby Power Systems</i> , 2019 Edition	

Dear Interested Parties:

At its meeting of December 6-7, 2018, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

A handwritten signature in black ink that reads "Dawn Michele Bellis".

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: S. Everett, L. Fuller, S. Gallagher, S. Frost, C. Coache
Members, CC National Electrical Code® (NEC-AAC)
Members, TC Emergency Power Supplies (EPS-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 (Regs.) and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Since this Council decision is not "related to the issuance of a document" as referenced in 1.7.2 of the Regs., notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within a reasonable time period.



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SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal seeking to overturn the results yielded by the standards development process and issuance of TIA No. 1388 on NFPA 110, *Standard for Emergency and Standby Power Systems*, 2019 Edition.

DECISION:

At its meeting of December 6-7, 2018, the Standards Council considered an appeal from Michelle Hilger of Arizona Generator Technology, Inc. d/b/a GEN-TECH. The appeal requests that the Standards Council overturn the Technical Committee’s and Correlating Committee’s ballot results on TIA No. 1388 submitted on the proposed 2019 Edition of NFPA 110, *Standard for Emergency and Standby Power Systems*. Specifically, the appeal requests that the Standards Council issue TIA No. 1388, which seeks to add new requirements related to diesel fuel testing and remediation.

As background, TIA No. 1388 was balloted through the Technical Committee on Emergency Power Supplies (TC) and the National Electrical Code® Correlating Committee (CC) 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, correlation and emergency nature required to establish recommendation for issuance. The ballot failed the TC on technical merit and emergency nature, while the CC ballot passed correlation and failed on emergency nature.

When a TIA fails to achieve the recommendation of the responsible committees, the resulting recommendation of the standards development process is to not issue the TIA.

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 2019 Edition of NFPA 110, *Standard for Emergency and Standby Power Systems* will not include the language proposed in TIA. No. 1388. The Council notes that NFPA 110 is open for public input until June 26, 2019 and Ms. Hilger is encouraged to submit proposed changes to NFPA 110 through the NFPA electronic submission platform at www.nfpa.org/110.

Council Members Chad Beebe, Michael Johnston and Daniel O’Connor recused themselves from the deliberations and vote on this appeal.