



Dawn Michele Bellis
Secretary, Standards Council

20 December 2019*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#19-26
Standards Council Agenda Item:	SC#19-12-25
Date of Decision:	6 December 2019
New Project Request for Standards on Integration and Inoperability of Protective Ensembles	

Dear Interested Parties:

At its meeting of December 5-6, 2019, 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, S. Gallagher, L. Fuller, G. Colonna, E. Conlin
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. 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.



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SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny this appeal seeking initiation of standards development regarding the integration and inoperability of protective ensembles.

DECISION:

At its meeting of December 5-6, 2019, the Standards Council considered an appeal from Jeffrey Stull of International Personnel Protection, Inc. The appeal requests that the Standards Council approve the initiation of a new project on the integration and inoperability of protective ensembles.

As background, in 2018, the Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment submitted a request to NFPA to initiate a new project related to the integration and inoperability of protective ensembles for firefighters and other emergency responders. The Secretary of the Standards Council denied the request and recommended addressing ensemble interoperability within NFPA 1851, *Standard on the Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximate Fire Fighting*. Following the Secretary's decision, and with the support of the Correlating Committee, Mr. Stull revised the 2018 new project request and resubmitted it to NFPA. The Secretary of the Standards Council denied this second request and stated that NFPA would not pursue the new standards development project. Mr. Stull appealed and asserts that the Standards Council Secretary did not have authority to deny the project request because the *Regulations Governing the Development of NFPA Standards* (the *Regs*) require all new project requests to be submitted to the Standards Council.

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 *Regs* generally provide that anyone can initiate a request to the Standards Council to commence standards development activities, but that general statement must be read together with the steps for processing new project requests. Under Section 4.1.1, following receipt of a request to initiate a new project, the Standards Council Secretary is the first level of review to determine whether NFPA will proceed to publishing notice and soliciting opinions from the public on the need for the standards development activity. Specifically, the *Regs* authorize the Secretary, on behalf of NFPA, to determine which requests are "deemed appropriate" and ultimately considered for NFPA standards development. In this regard, the Council specifically finds that the Standards Council Secretary acted in accordance with the *Regs*, and had authority to review and act on the new project request proposed by Mr. Stull. The *Regs* also provide a submitter the ability to appeal directly to the Standards Council and have an additional opportunity for review, as Mr. Stull did in this instance.

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. The

effect of this action is that the initiation of a new project on the integration and interoperability of protective ensembles will not proceed.

The Council encourages Mr. Stull, and other interested supporters in favor of standards on the integration and interoperability of protective ensembles, to submit Public Input on these issues into the consolidated emergency response and responder safety related standards to address concerns or perceived gaps.