



Dawn Michele Bellis
Secretary, Standards Council

18 December 2020*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#20-6
Standards Council Agenda Item:	SC#20-12-21-d
Date of Decision:	3 December 2020
TIA No. 1539 on NFPA 407, <i>Standard for Aircraft Fuel Servicing</i> , 2017 and Proposed 2022 Editions	

Dear Interested Parties:

At its meeting of December 2-3, 2020, 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, S. Ganoë, T. Vecchiarelli
Members, TC on Aircraft Fuel Servicing (AIF-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. 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 to overturn the Technical Committee ballot results and issue TIA No. 1539 on NFPA 407, *Standard for Aircraft Fuel Servicing*, 2017 and Proposed 2022 Editions.

DECISION:

At its meeting of December 2-3, 2020, the Standards Council considered an appeal from Steve Berry, National Air Transportation Association. The appeal requests that the Standards Council overturn the Technical Committee ballot results and issue TIA No. 1539 on the 2017 and Proposed 2022 Editions of NFPA 407, *Standard for Aircraft Fuel Servicing*. Specifically, the appeal requests that the Standards Council issue TIA No. 1539 which seeks to revise paragraph 5.1.12.4.

As background, TIA No. 1539 was balloted through the Technical Committee on Aircraft Fuel Servicing (TC) 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 required to establish recommendation for issuance. The ballot failed to achieve the necessary support of the TC on both technical merit and emergency nature.

When a TIA fails to achieve the recommendation of the responsible committee, 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 text of TIA No. 1539 will not be included in NFPA 407, *Standard for Aircraft Fuel Servicing*, 2017 and Proposed 2022 Editions.

During the hearing, the appellant mentioned that he was denied a meaningful opportunity to participate as a guest and present his perspective on this technical issue before the Technical Committee. Council takes this concern seriously and has referred the inquiry to Council's Membership Task Group for review. Council also wishes to encourage the appellant and interested stakeholders to remain engaged in the NFPA standards development process, and to apply for membership to the Technical Committee.