COMMONWEALTH OF MASSACHUSETTS

STANDARDS COUNCIL MEETING

MEETING BEING HELD REMOTELY

VIA MICROSOFT TEAMS

Wednesday, December 2, 2020

Commencing at 10:33 a.m.
APPEARANCES

Standards Council:
James E. Golinveaux, Chair
Chad E. Beebe, Member of Council
Kenneth E. Bush, Member of Council
Michael A. Crowley, Member of Council
Jeffrey J. Foisel, Member of Council
Patricia A. Gleason, Member of Council
Michael J. Johnston, Member of Council
Gary S. Keith, Member of Council
John R. Kovacik, Member of Council
Jack Poole, Member of Council
James R. Quiter, Member of Council
Rodger Reiswig, Member of Council
Kenneth W. Richards, Jr., Member of Council

NFPA Staff:
Dawn Michele Bellis
Suzanne Gallagher
Christian Dubay
Barry Chase
Chad Duffy
Laura Moreno
APPEARANCES (Cont'd)

NFPA Staff (Cont'd):
Tracy Vecchiarelli
Kevin Carr
Stephen Ganoe
Gregory Harrington
Jeffrey Sargent
Mary Maynard
Delisa Flemming

Speakers:
Joseph Andre
Randy Cooper
Rob Early
Steve Berry
Jeremy Souza

Also present:
Matt Williams
Ryan Manor
Michael Frantz
John Litner
Randy Harrison
APPEARANCES (Cont'd)

Also present (Cont'd):

Dale Crawford
Tom Boriak

Court reporter:
Sharon G. Saalfield, LCR No. 147, MA CSR, RDR, CRR
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MR. GOLINVEAUX: All right. So as a first order agenda, what I'd like to do is have the guests introduce themselves for the record, and that way, we'll have that on the official record. I'll be reading each motion about the process, and the meeting will be recorded. There's a court reporter that will be recording all of the information as well, and about the rules of the meeting as well as about no recordings and other things. But before I get to that, I'd like the guests to introduce themselves. So if the guests would raise your hand -- I think that'd be the easiest way -- then I can call on you individually. You'll come to the top of my screen, and I'll make sure you get introduced and on the record.

So if the guests to the meeting would raise your hand, then I will -- okay, I'm going to start with Steve Berry.

MR. BERRY: Hi. Good morning. Steve Berry, manager of fuel quality and safety for the National Air Transportation Association.

MR. GOLINVEAUX: Okay. And for the guests, you know, when we come to your issue, if you have any --
I'm getting feedback now, so you've got to be careful on remote speakers or cell phones. I don't know if other people are hearing the feedback. But, Steve, welcome. Joe Andre?

MR. ANDRE: Thank you. My name is Joe Andre. I'm an independent consultant to the electrical industry, representing myself.

MR. GOLINVEAUX: Okay. Joe, welcome. Randy Cooper?

MR. COOPER: Good morning. I'm Randy Cooper. I'm the vice president of technical operation and standards for the Association of Home Appliance Manufacturers.

MR. GOLINVEAUX: Good morning, Randy. Rob Early?

MR. EARLY: Hi. Good morning, everybody. I'm Rob Early, technical manager with the Compressed Gas Association.

MR. GOLINVEAUX: Okay. Good morning. Jeremy Souza?

MR. SOUZA: Good morning. Jeremy Souza from -- a consultant from Code Red Consultants in Massachusetts.

MR. GOLINVEAUX: Jeremy, welcome. Matt
Williams?

MR. WILLIAMS: I'm Matt Williams, director of standards and project management from Association of Home Appliance Manufacturers.

MR. GOLINVEAUX: Good morning. Ryan Manor?

MR. MANOR: Hopefully I'm off mute now. Yeah, Ryan Manor with Phillips 66, director of fuel quality and innovation, and also committee chair for the NATA committee on general aviation.

MR. GOLINVEAUX: Okay. Good morning. Mike Frantz?

MR. FRANTZ: Good morning. Michael Frantz, managing director of safety and training with the National Air Transportation Association.

MR. GOLINVEAUX: Okay. Are there any other guests that I have not recognized?

UNIDENTIFIED: Yeah, John is there. He's got his hand up.

MR. GOLINVEAUX: I'm sorry, who is that?

MR. LITNER: This is John Litner with Epic Fuels.

MR. GOLINVEAUX: Okay, John. I don't know why you're not showing up on my hands-up screen, but sorry I didn't get to you. Yeah, sometimes in a
Teams meeting it's difficult. The hands function
doesn't work in some versions of Teams, so if that's
the case, don't hesitate to let me know. So, John,
welcome.

Any other guests?

MR. HARRISON: This is Randy Harrison, quality
insurance manager with Avfuel Corporation.

MR. GOLINVEAUX: Okay. I see Dale Crawford.

Did I get to Dale?

MS. BELLIS: No.

MR. GOLINVEAUX: Okay.

MR. CRAWFORD: No. This is Dale Crawford, the
director of conduit for the Steel Tube Institute.

MR. GOLINVEAUX: All right. Dale, welcome.

And, Steve and Randy, you both still have your hands
up. If you could take those down, then I know I've
got to you guys.

Any further guests that have joined us that I
have not recognized or introduced themselves?

All right. Hearing none, I am going to start
the process here. The first item of appeal is on
the agenda for standards council 20-12-10-d, as in
David. It's an appeal on NFPA 70, TIA 1478.

HEARING ON 20-12-10-d
MR. GOLINVEAUX: I'll start this off with good morning. My name is James Golinveaux. It is my distinct pleasure to serve as chair of the NFPA Standards Council and welcome you. I'm going to call this hearing to order.

In a moment, I'll have everyone introduce themselves by stating their name and affiliation, but before we do that, I want to remind everyone that we have a stenographer online with us today who is transcribing these hearings. So from this standpoint, it is important that each of you, when you make your remarks, state your name and your affiliation so the stenographer may accurately capture that information for the record.

In addition, for those who will be speaking, I ask that you forward your name as you wish it to appear in the record, as well as your affiliation, to Mary Maynard, if you have not done so already, so we can spell your name correctly in the record. Her direct email is M as in Michael, M as in Michael, A-Y-N-A-R-D, @NFPA.org.

Other than the stenographer, no other recording is allowed. This includes no recording through Teams and no recording through any other devices.
For those who are guests of these hearings, please turn off your video. Doing so will preserve the bandwidth for those actively participating in the hearing and minimize delay issues. Participation in the hearing is limited to those individuals who have previously requested an opportunity to be heard.

Also, a couple of notes regarding Teams platform. Please do not utilize the chat feature as any -- as any conversation, statements, or questions posted are not part of the hearing record and will not be considered by council during the deliberations. Additionally, although the raised hand feature is active, as chair, I will only be recognizing those previously identified to participate in each of the respective hearings.

Appeal hearings are scheduled for today, December 2nd, 2020, and the plan is to move from one hearing to the next, with breaks if necessary.

We'll start with the introduction of council members themselves. My name is James Golinveaux, chair of the standards council.

MR. BEEBE: I'm Chad Beebe, member of council.

MR. CROWLEY: Mike Crowley, member of council.

MR. BUSH: Kenneth Bush, member of council.
MR. FOISEL: Jeff Foisel, member of council.

MS. GLEASON: Patricia Gleason, member of council.

MR. GOLINVEAUX: Okay. Mike? You may have been on mute. Mike Johnston? He's still on mute. And, Mike, I'm not getting you here, so I'll move on with Gary and then we'll come back to Mike as he figures it out.

MR. KEITH: Gary Keith, member of council.

MR. KOVACIK: John Kovacik, member of council. For the record, I am recusing myself on this agenda item and I will not participate as a member of the standards council in the hearing deliberations or voting on this matter.

MR. GOLINVEAUX: Thank you.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: James Quiter, member of council.

MR. REISWIG: Roger Reiswig, member of council.

MR. RICHARDS: Kenneth Richards, member of council.

MR. GOLINVEAUX: Okay. I'm moving to staff. Dawn? Or if Mike -- Mike, have you gotten back on?

Mike Johnston?

MR. JOHNSTON: Yes, I relogged in. Can
everybody hear me?

MR. GOLINVEAUX: Yes, we can hear you.

MR. JOHNSTON: My name's Mike Johnston. I'm a member of council. For the record, I am recusing myself on this agenda item, and I will not participate as a member of the standards council in the hearing, deliberations, or voting in this matter.

MR. GOLINVEAUX: Thank you, Mike. Moving on to staff. Dawn?

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. CHASE: Barry Chase, NFPA staff.

MS. MORENO: Laura Moreno, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.

MR. CARR: Kevin Carr, NFPA staff.

MR. GANOE: Stephen Ganoe, NFPA staff.

MR. HARRINGTON: Gregory Harrington, NFPA staff.

MS. FLEMMING: Delisa Flemming, NFPA staff.

MS. MAYNARD: Mary Maynard, NFPA staff.

MR. GOLINVEAUX: Okay. Is there anyone that
was not recognized that needs to introduce
themselves for the record?

Okay. Seeing none, from a process standpoint, the general approach we'll take today is to allow 10 minutes for each side to make an opening remark and then we'll open the floor for questions from council members. Please wait for me to recognize you before speaking to ensure that all comments and questions are heard for accurate recording. Once all questions are addressed to the satisfaction of council, we'll move to closing remarks. Five minutes have been allocated for closing remarks for each side. Following closing remarks, the hearing will conclude.

As a reminder, in accordance with the regulations governing the development of NFPA standards, section 3.3.3.4, meetings shall not be recorded verbatim by any means other than authorized by the standards council secretary. For the purposes of hearings, the secretary has authorized the recording by a stenographer, but any other recording of this hearing is prohibited.

Does anyone have any questions at this point?

Seeing none, this hearing is related to the
agenda item 20-12-10-d, as in David, to overturn the ballot results and issue the TIA 147 recommended by the technical committee, NEC Code-Making Panel 6, on NFPA 70.

So what I'm going to do now is move into the opening statement. I believe that's going to be by Joseph Andre. And, Joseph, you're going to have 10 minutes. I will go ahead and have Mary unmute your microphone so that you have the 10 minutes to present your argument to the council.

Okay, I'm not hearing you yet. Mary?

MR. ANDRE: Hopefully that works. Sir, can you hear me?

MR. GOLINVEAUX: I can hear you now.

MS. MAYNARD: Okay. Thank you.

MR. ANDRE: Thank you, Mr. Chairman and members of the standards council. It's my privilege to be here before you today. My name is Joe Andre — Joseph, officially on the record. I am a consultant to the electrical industry. I'm here today representing myself. My background has been an electrician contractor. I've been an inspector for two different jurisdictions. I currently sit on Code-Making Panel 5 to the National Electrical Code.
I'm going into my third cycle. I have also sat on Code-Making Panel 1. And I would like to clarify that I am not representing any specific organization. I believe the agenda had me under the Steel Tube Institute. While they are one of my clients, they are not the only client, and I'm here today representing myself, so I'd like the record to reflect that.

MR. GOLINVEAUX: Okay.

MR. ANDRE: Throughout the processing of this TIA, I would like to address the fact that there has been a tremendous amount of information through comments, through hearings at the code panel and the correlating committee. I'm not going to try, by any means, to recreate any of that. Hopefully, I won't take anywhere near my 10 minutes, but there are some issues and points that I would like to make.

First of all, I would like to note that virtually every comment that came back for and against this TIA addressed, in one way or another, a technical issue. My intent with this was not to create a technical discussion. My intent here is to open a discussion on the process of how we got here. The technical arguments I am requesting to be
disregarded. They're not part of this -- the intent of what I'm doing. The place for those arguments should be at the technical panels. The NFPA 70 is currently in its -- the beginning of its revision cycle anyway, and Panel 6 will be hearing arguments on this issue here shortly.

I want to talk about the confusion of some of the other comments that I've seen come through on this TIA. It seems that there is some confusion about what we're trying to do or what I am trying to do. I believe this issue is unique and without precedent. In my many years of experience -- this is going into my 50th year in the electrical industry -- I don't believe there's ever been an instance when a different code, much less two different codes, have altered drastically the application of the National Electrical Code.

What I'm talking about, of course, is the NFPA 5000, and also the International Building Code, have drastically changed and modified their definitions of type 4 construction. We're talking about nonmetallic sheath cable, a wiring method that has been used ubiquitously for dwellings, and, in some cases, other than dwelling units.
Those two modifications have changed the NEC, ironically, without changing the wording of the NEC. Because the NEC references type 4 construction, but doesn't define it, that was left to the auspices of two different code-making organizations.

And we can talk about the fact that the International Building Code is not part of the NFPA family, but I would like to make a note that it is the most used building code in the country, NFPA 5000B and another.

I'm also requesting through this appeal to make this retroactive back to 2002 NEC. And I know that's an unusual request, but it's not without precedent. In fact, there was a TIA request to this very section back in 2018, early 2019, and the standards council did agree that it was relevant to make that applicable all the way back to 2002. That TIA was denied on some technical wording, so that's why I brought this back. I think it's very important to NFPA and to the electrical industry.

The background in Annex E of the National Electrical Code explains, even in the 2020 edition, that type 4 construction is basically mass timber or heavy timber, depending on -- or HH, in the NFPA
5000, and then it is basically a one type of construction and that there's nothing else. It also states that for residential, it is limited to four stories. And if you look in other documents, it will tell you that five stories -- and going back into the historical record on this, it was understood that five- and maybe six-story buildings would be allowed.

The 2002 National Electrical Code, I would like to point out, during the technical process, denied changing from a three-story limitation to the construction type. The code panel denied it. The membership denied it. The technical correlating committee denied it. That was overturned on appeal to the standards council, and, therefore, it went into the 2002 NEC for type 4 -- 3, 4, and 5 construction.

The problem with that is that action left open the National Electrical Code to modification by a different process. And that's what happened and that's why I'm here today. It wasn't the intent. I went back and looked at the record for the standards council appeal for the 2002 NEC, and it stated, quite clearly, that the intent was a very slight
edition or expansion of the use of an "M" cable. It was understood that it was to be used, or allowed to be used, in four-story residential and five- and maybe six-story nonresidential, depending on whether it was sprinklered or not.

We stand today with two building codes that allow type 4 construction, under a new technique called mass timber, to go up to 18 stories or 24 stories, IBC or NFPA 5000, respectfully. That was done without any hearings or process through the NFPA process. The experts on the code panel did not get a chance to discuss this. It happened after the processing of the last edition. The correlating committee did not get a chance to discuss it fully, the membership did not, nor did the general public have an opportunity. So this is strictly on process.

The documentation that has gone through this process, many people have said it's safe. Many people have said it's unsafe. My position is I don't know if it's safe or not because we haven't had a chance to determine that. It has not gone through the proper process for changing the NEC.

So I've got some talking points and then I will
rest my opening statement.

I just talked about prior to the NFPA 70 2002 edition, it was restricted to buildings not to exceed three stories in height, other than one- and two-family dwellings, and it's hard to get those to exceed three stories anyway.

There were changes to the height restriction submitted to the technical panels. Those were rejected by the technical panel but they were rejected by the correlating committee, and they were rejected by the general membership on the floor of the technical meeting. We went through the fact that standards council accepted an appeal to overturn those technical decisions and create a situation where we were going to depend on building code definitions for type 3, 4, and 5 construction.

Annex E, again, is inconsistent now with what the building code says for type 4 construction. It states quite clearly that it's a single construction type and limited to four stories under the current -- the proposed building codes. That's not going to be the case anymore. So there will be an inconsistency in the code, nor in the National Electrical Code do we have a criteria for what type
4 is, so we rely on the building code. We rely on an informational note. We rely on Annex E for direction on how to use this wiring method.

I would like to know that subsequent to my appeal -- actually, to my submission of this TIA, NFPA 5000 was also certified, and my TIA doesn't even include the wording and the consideration for NFPA 5000. That was not done when my TIA was submitted. So there's going to be some language issues here that the two building codes that we're talking about don't use exactly the same language.

MR. GOLINVEAUX: Joe, your 10 minutes have expired. Do you want to summarize or conclude very quickly?

MR. ANDRE: Yes. I'd like to conclude by saying that I think this is urgent for the fact that we are here dealing with a situation where the NEC is being changed without going through the process, and I think there is nothing more urgent in my entire career than maintaining the integrity of the process that we have all recognized. Thank you.

MR. GOLINVEAUX: All right, Joseph. Thank you very much. I'm going to open it up for questions from council. And if council wants to use the raise
hand feature, that'll be fine. I'll try to scroll through this. And I apologize if it takes me a second to get to you. Mr. Quiter.

MR. QUITER: Jim Quiter, member of council.

I guess one of my questions is is there really a need to go back six editions when this is a pretty new issue that has been raised? And most people, if they're updating their building codes, are also updating their NEC.

MR. ANDRE: Yeah. Thank you for the question. And I think that is important. I'm on the West Coast. The states of Washington, Oregon, and California have already recognized this new construction type even though they have not adopted the most current edition of that code. I can't tell you if there are buildings being built to it today. I don't have access to every single jurisdiction. But, with that, and anticipating that many other jurisdictions will adopt these provisions even before they adopt the most recent editions of the building codes, we have wording in the NEC going from 2002 consecutively to 2020 that is unchanged.

We're in a unique position where if we don't change in the word in the code, the words in the
code, the code will change drastically. In order to keep the NEC the same as it was issued by the standards council for 2020 and all prior editions back to 2002, we need to change the wording to make it clear that the mass timber construction, that is a brand-new technique, was never intended and never included in those discussions, and it wasn't included in the intent for the NEC.

So we're in a very unique position of saying if we leave the code unchanged, it will change drastically, and if we accept something similar to my TIA, then we will maintain the integrity of the code as it was issued for 2020 and prior editions.

MR. GOLINVEAUX: Okay. Jim, is that -- are you good with that?

MR. QUITER: Yeah, that's fine.

MR. GOLINVEAUX: Mr. Andre, a question from me about the -- your claim of an ANSI process, and I just -- just for my own clarity, your TIA recommends adding HT, this construction type. It doesn't recommend any deletion. So what do you feel wasn't in accordance with the ANSI process by Code-Making Panel 6 when you're not striking any text, you're only adding text?
MR. ANDRE: Mr. Chairman, my reference to the ANSI process was actually directed towards the International Building Code. The ICC, the International Code Council does not use an ANSI process for theirs. It wasn't directed towards the NEC.

MR. GOLINVEAUX: Okay. I was -- I just wanted to make sure I understood that clearly. Chad Beebe.

MR. BEEBE: Yeah. Chad Beebe, member of council.

I wanted to clarify something you said earlier. You said that the change was not vetted by any committee. I wanted to clarify. Are we talking about the change to the heavy timber and the stories was not vetted by any committee, or are you just talking about the changes, or the impact of those changes, on how those would reflect on the NEC?

MR. ANDRE: Good question. I'm talking about how they reflect on the NEC. Certainly, NFPA 5000 went through the NFPA process. It's an ANSI-accredited process. The IBC went through their process. It's not ANSI accredited, but they certainly did a great deal of discussion and research. None of that research involves wiring
methods or even consideration of electrical. I have talked to several building officials in my area who are active in the IBC process, and they verified that wiring methods never was part of the discussion or part -- nor part of the research that went into the mass timber.

So when I say it wasn't vetted, these issues came up after the process was completed, at least for the second revision for the National Electrical Code, which never had an opportunity to discuss it.

MR. GOLINVEAUX: Okay. And I'm going to -- Joe, I'm going to pick on you just a little bit, and remind. Before you speak, you need to reintroduce yourself just for the court reporter. So thanks for doing that. And for future appeals, everyone needs to introduce themselves each time they speak.

Are there any other questions? Oh, yes, I have a question from Mr. Quiter again.

Jim, you're muted.

MR. QUITER: Indeed I was muted. Jim Quiter, member of council.

Do you know if there were any discussions at the NFPA 5000 hearings or the -- or the IBC hearings about this issue, the fact that revising the
definition of type 4 changed the electrical
requirements?

MR. ANDRE: Joe Andre, consultant, responding.

Mr. Quiter, I can verify that no discussion was
had at the IBC hearings. I have talked to a
Mr. John Siu. He is a structural engineer. He is
the chief -- or the building official for the city
of Seattle, and he's also a member of the committee
on IBC. And he verified that there were absolutely
no discussion. There was no mention of it in the
reams of research that went into that. NFPA 5000, I
honestly cannot tell you one way or the other
whether there was discussion, so I will leave that
at that. Thank you.

MR. GOLINVEAUX: Okay. Thank you. Jim, are
you -- are you good?

MR. QUITER: Happy with that, yes.

MR. GOLINVEAUX: Okay. Thank you. I'm not
seeing any further questions from council. Are
there any further questions from council before I
summarize?

Seeing none, Mr. Andre, I am going to recognize
you again for a five-minute summary of your appeal.

MR. ANDRE: Thank you, Mr. Chairman. Again,
Joe Andre, consultant. I'm just going to summarize, hopefully briefly.

I think I've laid out the reasoning and why this is urgent. I feel it's urgent -- and that was a big piece -- for two reasons: One, there are already jurisdictions that have adopted the new provisions for mass timber, which is going to allow a wiring method that we haven't discussed. We haven't verified that it's safe or unsafe. And I think in my 12 years as an enforcer of the codes, if it hasn't been checked, then it's considered to be unsafe until it's proven to be safe.

The second one is if we don't do something right now, we're basically saying that the NEC -- it's okay to change the NEC through a different process without the technical expertise that we have on the NEC code panels. I think that's the most urgent thing that's happened in the 50 years that I've been in this industry.

I would also like to note that while we never achieved the majority on the technical panels necessary to move this forward, that we did receive a simple majority on both the correlating committee and Code-Making Panel 6.
And with that, I will conclude. Thank you very much for your time.

MR. GOLINVEAUX: Thank you, Mr. Andre. And I'll scold myself here. I'm not introducing myself as I'm speaking, so James Golinveaux, chair of council.

As we conclude the hearing, let me inform as to what happens next. The council will deliberate and reach a decision in executive session. Once a decision is made, that decision, including the background of any other information council believes relevant, will be prepared by NFPA staff and published by the secretary of the standards council on the standards council web page, www.nfpa.org/sc, and in accordance with the regulations governing the development of NFPA standards. Additionally, the decision will be sent to the appellants and the chair of the responsible committees directly. The official opinion of the decision of council is that as published by the secretary, and no other communication shall be considered the council's decision or position. Any questions regarding the decision should be addressed with the secretary.

On behalf of the NFPA standards council, I'd
like to thank all of those who participated in this
appeal hearing. Your involvement, as well as all
stakeholders, is important to the NFPA standards
development process. This hearing is now ended.

If this concludes the business for which you
have joined us today, you are welcome to leave the
meeting at this time or remain on for additional
hearings.

HEARING ON 20-12-15-d

MR. GOLINVEAUX: Okay. We're going to stay on
the record, and I am going to move to 20-12-15-d.

Okay. So moving on. On 20-12-15-d, as in
David, TIA 1537. Good morning. My name is James
Golinveaux. It is my distinct pleasure to serve as
chair of the NFPA standards council and welcome you.
I am going to call this hearing to order.

In a moment, I will have everyone introduce
themselves by stating their name and affiliation,
but, before we do that, I want to remind everyone
that we have a stenographer online with us today who
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December 2nd, 2020, and the plan is to move from one
hearing to the next with breaks if necessary.

We'll start with the introductions of council
themselves. My name is James Golinveaux, chair of
standards council.

MR. BEEBE: Chad Beebe, member of council.
MR. BUSH: Kenneth Bush, member of council.
MR. CROWLEY: Michael Crowley, member of
council.
MR. FOISEL: Jeffrey Foisel, member of council.
MS. GLEASON: Patricia Gleason, member of
council.
MR. JOHNSTON: Mike Johnston, member of
council. For the record, I am recusing myself on
this agenda item and I will not participate as a
member of the standards council in the hearing,
deliberations, or voting on this matter. Thank you.
MR. KEITH: Gary Keith, member of council.
MR. KOVACIK: John Kovacik, member of council.
For the record, I am recusing myself on this agenda
item and I will not participate as a member of the standards council in the hearing, deliberations, or voting on this matter.

MR. GOLINVEAUX: Jack?

MR. POOLE: Jack Poole, member of council.

MR. QUITER: James Quiter, member of council.

MR. REISWIG: Roger Reiswig, member of council.

MR. RICHARDS: Kenneth Richards, member of council.

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. CHASE: Barry Chase, NFPA staff.

MS. MORENO: Laura Moreno, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.

MR. CARR: Kevin Carr, NFPA staff.

MR. GANOE: Stephen Ganoe, NFPA staff.

MR. HARRINGTON: Gregory Harrington, NFPA staff.

MR. GOLINVEAUX: I had two people over each other on that last one. Let's go back. After Stephen Ganoe was?

MR. HARRINGTON: Gregory Harrington, NFPA
MR. GOLINVEAUX: Okay.

MS. FLEMING: Delisa Flemming, NFPA staff.

MR. GOLINVEAUX: There we go.

MS. MAYNARD: Mary Maynard, NFPA staff.

MR. SARGENT: Jeff Sargent, NFPA staff.

MR. GOLINVEAUX: Jeff. Are there any other guests that did not introduce themselves earlier that have joined the meeting?

Not seeing any. I'm just checking my hand raising here in case they're muted. Okay. Looks good.

From a process standpoint, the general approach we will take today is to allow 10 minutes for each side to make an opening remark and then we'll open the floor to questions from the council members. Please wait for me to recognize you before speaking to ensure that all comments and questions are heard for accurate recording. Once all questions are addressed to the satisfaction of the council, we'll move to the closing remarks. Five minutes have been allocated for closing remarks for each side. Following closing remarks, the hearing will conclude.
As a reminder, in accordance with the regulations governing the development of NFPA standards, section 3.3.3.4, meetings shall not be recorded verbatim by any means other than by authorized by the standards council secretary for the purposes of hearings, the secretary has authorized recording by the stenographer, but any other recording of this hearing is prohibited.

Does anyone have any questions at this point?

Okay. If not, let's go ahead and begin. This is a hearing related to the agenda item 20-12-15-d, as in David, to overturn the ballot results and issue the TIA 1521 for the NEC Code-Making Panel 2 on NFPA 70.

And I have the appeal was filed by Bennett Williams, but I have a note that Randy Cooper will be speaking to this agenda item. Randy, is that correct?

MR. COOPER: That is correct.

MR. GOLINVEAUX: Okay. Randy, just give me a second here and I'll get the 10-minute start time here. So, Randy, you have 10 minutes to speak to the council on your appeal. Please begin.

MR. COOPER: Okay. Thank you, Mr. Chair, and
thank you to the standards council for this opportunity. I do want to clarify that the chairman did use 1521 as the TIA. This is on TIA 1537.

MR. GOLINVEAUX: Randy, I'm going to back you up. Please introduce yourself and your affiliation as you begin this. Sorry. I'll start you again. Go ahead.

MR. COOPER: Sorry. Hello. This is Randy Cooper, vice president of technical operations standards for AHAM.

I want to thank the chair and the standards council for the opportunity to discuss the ballot results for TIA number 1537. I have a prepared statement that I will read.

AHAM is a trade association representing manufacturers of major portable and floor care home appliances and suppliers to the industry. I want to thank NFPA for having a hearing where we can talk through the issue rather than just having a written process. It is helpful to someone like AHAM who has not submitted a TIA request before, and we want to make sure our request is heard.

As noted on the agenda, AHAM is appealing to overturn the ballot results of TIA number 1537, but
that should be amended to note that our current request, based on our appeal relief request, did narrow the focus of the request to range outlets only.

Secondarily, AHAM has wanted to raise the question in this hearing about how misalignment in requirements is managed and the subsequent steps to bring them back into alignment.

To explain this, I will walk through some historical steps. In 2017, NEC added a clause that requires product listing. Clause 422.6 requires that the certification standard used for the listing state that it meets appropriately designated standards. For electric ranges, that certification standard is UL 858. And it does state it covers products to be installed in accordance with the NEC, or the National Electric Code. UL 858's latest edition is in alignment with NEC 2017.

The 2020 edition of the NEC included 240-volt GFCIs per clause 218.8A. This created a product requirement that is beyond the listing requirements in clause 422.6 of the NEC. UL 858 does not require a leakage current assessment for products above 125 volts. The industry is now experiencing field
issues due to this misalignment.

Electric ranges are not the only products that got caught misaligned to this new 2020 requirement. Air conditioners and electric water heaters also have misalignment to the new requirements. In fact, AHAM's TIA is modeled after TIA 1529, which is for air conditioners, that fundamentally was asking for the same thing, an extension of the requirement effectivity date to 2023. TIA 1529 passed voting whereas AHAM's did not.

Upon review of the input we received from the ballots on our TIA, we have updated our request to narrow the scope to range receptacles only. We are aware that a death was the precipitating event of the NEC 2020 change for range circuits. However, as noted in our appeal, that incident was associated with a recalled product, and the reason it was recalled was because the models were produced without a ground screw which did not meet the UL 858 certification requirement, and, thus, the NEC listing requirements. That means the product was not compliant to clause 422.6, and NEC had already addressed the issue from that product.

However, AHAM is not requesting to remove the
requirement which will provide duplicative protection going forward, but AHAM is asking for time for the range industry to address the misalignment in the requirements. There are approximately five million electric ranges produced each year, and all of them are certified to UL standard that currently does not require leakage current testing above 125 volts.

The industry needs time to update the UL standard, redesign the product, retest it, recertify it, and then get product into production. An extension to January 1st of 2023 is not a lot of time, but it was what the other TIA used that we modeled after.

Again, we are not sure why that TIA passed voting and ours did not, except that we unknowingly originally wrote ours a little too broad, and we are okay to narrow that scope to just range receptacles.

This now leads to the second question on the process. So what is the process to realign the requirements when one of the standards raises its requirements, whether that is a UL end product standard or the National Electric Code that raises the requirements?
The process is not clearly defined, but is at least iterative in nature where one standard raises the level and then the other one gets aligned to that. The NEC currently acknowledges this with clause 90.4 which allows AHJ's to permit materials from the previous version of the standard. AHAM is highlighting that ranges and other products are certified and listed to end product requirements that have not been updated yet and do not meet -- and did not meet the 2020 NEC effectivity date.

I'll be candid. This change caught the industry by surprise, and no action on alignment had started. When misalignment was uncovered through field events, not even the ULPDE responsible for the UL 858 range standard was aware that the UL 858 standard needed to be updated.

So AHAM does not expect that the process issue be resolved today. We request that our amended TIS -- TIA request be approved to allow time for the realignment and that a task force be set up to review the steps that should be taken for communication and action when misalignment in requirements occurs. AHAM is an ANSI accredited standards development organization and we would
support NFPA in this review and refinement of processes across standards.

Thank you for your time and review of our request for an effectivity date extension.

MR. GOLINVEAUX: Okay. Thank you for those comments. And I'm going to open this up to questions from council. I got a lot of feedback there. Chad? Chad Beebe.

MR. BEEBE: Thank you. Chad Beebe, member of council.

Randy, you had mentioned that you had originally submitted this as a broad statement in the TIA, and I notice that the word "range" is highlighted. Was that something that was added afterwards and was that resubmitted as a TIA, or was that never submitted as a TIA?

MR. GOLINVEAUX: Randy, you are not -- you're still muted. Please introduce yourself. There you go.

MR. COOPER: Randy Cooper, AHAM.

That has not been submitted as a new TIA. Again, being new to the process, we -- a TIA submittal would not have made the review for this cycle, only an appeal would have, and so we have not
submitted that, but we did submit that in our appeal that we would be open to narrowing the scope to range receptacles.

MR. GOLINVEAUX: Okay. Jeff Foisel?

MR. FOISEL: Jeff Foisel, member of council.

Randy, you've mentioned that the existing code allows for AHJs to utilize the previous version of the code, so could you help explain that a little bit more? How does this fit in? If they're already still allowed to use the prior version, why do you need to make this change now?

MR. COOPER: This is Randy Cooper from AHAM. The request is to establish that movement and effectivity dates. The code allows the AHJ but it does not necessarily mean that they will, and in some cases where this has been brought up in the field, the AHJ said, "It's in the standard. I'm going to follow the standard." And so they are not choosing to allow that permission, and so the request through the TIA really is to break through that and provide the needed time to get products in alignment.

MR. FOISEL: Thank you.

MR. GOLINVEAUX: Ken Bush.
MR. BUSH: Thank you, Mr. Chair. Kenneth Bush, member of council.

Could you answer a question for me and to clarify what official action has been taken other than the appeal to clarify this or to submit a substitute TIA to address the issue?

MR. COOPER: Within NFPA -- I'm sorry, this is Randy Cooper from AHAM.

No other actions with NFPA other than maybe having discussions with members of CMP2 to understand the history and that there have been actions on our side. We have written a draft standard for the update to UL 858 to add the new requirements. Our members are going through and testing products and trying to understand any unintended consequences or lack of clarity that we have in that, and we'll be voting on that within AHAM and then we'll be submitting it to the ULSTP, all I can say is hopefully before the end of the year. What we are trying to do is get this worked through the UL process by January 2022 with a very quick effectivity date so that the effectivity date of UL 858 would be before the January 1st, 2023 date.
MR. GOLINVEAUX: Okay. Thank you. Mr. Quiter?

MR. QUITER: Jim Quiter, member of council.

I think I know the answer to this but it's odd wording. We're talking about range receptacles rated 30 to 50 amperes. Are there no ranges that have receptacles less than 30 amperes? I could see why there would be a maximum. I don't understand why there's a minimum.

MR. COOPER: This is Randy Cooper from AHAM.

The way that it is written is to identify the 240-volt receptacles. So a range that is operating at 240 volts is using that 30 to 50 amps. Below that, a 15-amp service is a 125-volt product and is already meeting leakage current requirements. And so this was input that we received from CMP members, or CMP2 members, in how to word the TIA. So, again, we thought we were just isolating out the 240-volt receptacles for ranges with that rated 30 to 50 amperes, but, again, the inclusion of adding the term "range receptacle" is what we think we need to do to perfectly clarify that.

MR. GOLINVEAUX: James Golinveaux, member of council, chair of council.

Question for you, Mr. Cooper. The addition of
range, is this going to be submitted? Have you already submitted for a TIA including the range, or is it just to this appeal to this council to add the term "range" to this TIA?

MR. COOPER: This is Randy Cooper from AHAM.

We have not submitted that. And our understanding, talking mostly through email, so we did not talk verbally with NFPA staff, was the next step in the process where we could have the opportunity to get this impacted -- you know, we would like to get the TIA moving -- was to go through the appeal process.

MR. GOLINVEAUX: Okay. And James Golinveaux, chair of council.

Just a follow-up question to that. In your opinion, from the negative votes that had been received on the initial submittal, do you feel that the addition of "range" to narrow it down would change the committee's opinion from the comments that you've seen?

MR. COOPER: This is Randy Cooper from AHAM.

Yes. We look at this, and there are at least seven "no" votes, and five of those have comments related to -- or maybe wrote it too broad, related
issues, could get into other things, could be restricted to ranges. So we think we've addressed five of the seven "nos" with just that one change. The other one, the other "no" was punitive in our view where it just says, "You guys had enough time, you should have done it. We don't think you should be allowed the time." And then the other one was really a clarity on 2010.A -- B versus A, so there's kind of a clause difference there.

So, again, we feel we've addressed that. Being new to the process, we understand our most effective method right now was to go through the appeals, but if we need to rewrite that TIA and submit it immediately, we will do that.

MR. GOLINVEAUX: Thank you for the response. I'm not seeing any other questions. Are there any other further questions from council for Mr. Cooper?

All right. Not seeing any, Mr. Cooper, you have five minutes to conclude and summarize your appeal for us.

MR. COOPER: Okay. Thank you. This is Randy Cooper from AHAM.

This request is on TIA 1537, and we're asking to overturn the ballot results. We feel that the
ballot results are not reflective of where our current request would be. New to the process, not exactly sure how to execute that. We've come to this standards council for the overturning of the vote, especially with updating our request to focus on range receptacles. This is what is causing the industry issues, a significant number of issues, and they continue to grow every week as more and more homes are wired to the latest version of that. And, again, ranges have not been able to turn around and make those changes without updating the certification standard and then working through the test method for that.

So we are not the only appliance that is struggling with this. It's the -- ranges are the only appliance under AHAM, so that's why I'm not specifically talking through the other products, but we are aware that there was another TIA that we've tried to model off of that did pass voting. I know that it still hasn't completed its TIA process, but it looks like it would be moving towards that. We're trying to just do the exact same thing and get that extension to allow us the time to make the changes to, again, update our standard, which we do
have in process. We're aiming to have that published and effective in 2022 in advance of the effectivity date we're asking for, so ranges would be fully being produced prior to that date.

And I believe that is all that I have at this time. Thank you.

MR. GOLINVEAUX: Okay. Thank you, Mr. Cooper.

As we conclude the hearing, let me inform as to what happens next. The council will deliberate and reach its decision in executive session. Once a decision is made, that decision, including the background and any other information council believes relevant, will be prepared by NFPA staff and published by the secretary of the standards council on the standards council web page and in accordance with the regulations governing the development of NFPA standards.

Additionally, the decision will be sent to the appellants and the chair of the responsible committees directly. The official opinion and decision of the council is that as published by the secretary, and no other communication shall be considered the council's decision or position. Any questions regarding the decision should be addressed
with the secretary.

On behalf of the NFPA standards council, I'd like to thank all of those who participated in this appeal hearing. Your involvement, as well as all stakeholders, is important to the NFPA standards development process. This hearing is now ended.

If this concludes the business for which you have joined us today, you are welcome to leave the meeting at this time or remain on for additional hearings. Thank you.

HEARING ON 20-12-18-d

MR. GOLINVEAUX: I'm going to move straight into the next appeal, and that will be 20-12-18-d, as in David. This is an appeal on NFPA 99 TIA 1521. And not seeing any comments here, I'm going to move straight into this one.

Good morning. My name is James Golinveaux. It is my distinct pleasure to serve as chair of the NFPA standards council and welcome you. I am going to call this hearing to order.

In a moment, I will have everyone introduce themselves by stating their name and affiliation, but before we do that, I want to remind everyone that we have a stenographer online with us today who
is transcribing these hearings. So from this standpoint, it is important that each of you, when you make your remarks, state your name and affiliation so the stenographer may accurately capture your information for the record.

In addition, for those who will be speaking, I ask that you forward your name as you wish for it to appear in the record, as well as your affiliation to Mary Maynard, if you have not done so already, so that we can spell your name correctly in the record. Her direct email is M as in Michael, M as in Michael, A-Y-N-A-R-D @nfpa.org.

Other than the stenographer, no other recording is allowed. This includes no recording through Teams and no recording on any other devices. For those who are guests for these hearings, please turn off your video. Doing so will preserve the bandwidth for those actively participating in the hearings and minimize delay issues. Participation in the hearing is limited to those individuals who have previously requested an opportunity to be heard.

Also, a couple of notes regarding Teams platform. Please do not utilize the chat feature as
any conversations, statements, or questions posted are not part of the hearing record and will not be considered by council during deliberations. Additionally, although the raise hand feature is active, as chair, I will only be recognizing those previously identified as participants to each respective hearing.

Appeal hearings are scheduled for today, December 2nd, 2020, and the plan is to move from one hearing to the next with breaks if necessary.

We'll start with the introduction of council members themselves. My name is James Golinveaux. I am the chair of the standards council.

MR. BEEBE: I'm Chad Beebe, member of council. And, for the record, I'm recusing myself on this agenda item. I'll not participate as a member of the standards council in the hearing, deliberations, or voting in this matter.

MR. BUSH: Kenneth Bush, member of council.

MR. CROWLEY: Michael Crowley, member of council. For the record, I'm recusing myself on this agenda item. I will not participate as a member of standards council in the hearing, deliberation, or voting on this matter.
MR. FOISEL: Jeffrey Foisel, member of council.

MS. GLEASON: Patricia Gleason, member of council.

MR. JOHNSTON: Mike Johnston, member of council.

MR. KEITH: Gary Keith, member of council.

MR. KOVACIK: John Kovacik, member of council.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: James Quiter, member of council.

MR. REISWIG: Roger Reiswig, member of council.

I would like to note for the record that I am a member of correlating committee on NFPA 99 healthcare facilities code. As a correlating committee member, I participated in consideration and voting on issues that appear to be related to this appeal. I have, therefore, reviewed my obligations under the guide for conduct of participants in the NFPA process, particularly section 3.5(D) of the guide to consider whether there is any reason for me to recuse myself from consideration of this appeal. I have concluded that I do not have any views that are or would appear to be fixed concerned this issue, and I am fully able to give open and fair consideration to this appeal.
For the record, therefore, I have considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a council member on this appeal.

MR. RICHARDS: Kenneth Richards, member of council.

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. CHASE: Barry Chase, NFPA staff.

MS. MORENO: Laura Moreno, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.

MR. CARR: Kevin Carr, NFPA staff.

MR. GANOE: Stephen Ganoe, NFPA staff.

MR. HARRINGTON: Gregory Harrington, NFPA staff.

MS. FLEMMING: Delisa Flemming, NFPA staff.

MS. MAYNARD: Mary Maynard, NFPA staff.

MR. SARGENT: Jeff Sargent, NFPA staff.

MR. GOLINVEAUX: Okay. And it appears that I have a few guests that have joined us. If you have joined us and you have not previously identified yourself, would you please hit the raise hand
feature so that I can recognize you and get you on
the record? I'm not seeing any raised hands here.

So if you -- Suzanne, just a question for you.
Was there a guest that has joined us that we have
not identified?

MS. GALLAGHER: I'm seeing Sharon Saalfield.
MS. BELLIS: She's our court reporter.
MS. GALLAGHER: Sorry. I'm seeing Tom Boriack.
MR. GOLINVEAUX: Tom, can you unmute your
microphone and introduce yourself?
MS. GALLAGHER: Do we have to do that?
MR. GOLINVEAUX: I don't know if we have to
unmute him.
MS. BELLIS: I don't know where he just went.
He just disappeared.
MR. GOLINVEAUX: He went up to the top of my
screen.
MS. MAYNARD: I just invited him in as a guest.
MS. BELLIS: He's there. Mary, can you unmute
Mr. Boriack?
MS. MAYNARD: I thought I did. I'll try again.
MR. BORIACK: Sorry about that.
MR. GOLINVEAUX: There you go, Tom. I can hear
you now. Tom, can you introduce yourself, please?
MR. BORIACK: Tom Boriack with Cla-Val.

MR. GOLINVEAUX: Okay.

MS. BELLIS: And then, James, I also see a phone number (978) 270-2381 that I don't think has identified themselves previously.

MS. MAYNARD: That is the court reporter calling in on her phone.

MS. BELLIS: Oh, thank you, Mary. Sorry.

MR. GOLINVEAUX: And for those who are interested, Sharon Saalfield is --

MS. BELLIS: Saalfield.

MR. GOLINVEAUX: -- Saalfield is our court reporter, so thank you very much for what you do.

Okay. So with those introductions done, from a process standpoint, the general approach we will take today is allow 10 minutes for each side to make opening remarks and then we'll open the floor to questions from council members. Please wait for me to recognize you before speaking and ensure that all comments and questions are heard for accurate recording.

Once all questions are addressed to the satisfaction of the council, we'll move to closing remarks. Five minutes have been allocated for
closing remarks for each side. Following closing remarks, the hearing will conclude.

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I'm not seeing any, so I will move straight into the hearing. This hearing is related to the agenda item 20-12-18-d, as in David, to overturn the ballot results and issue TIA 1521 of the technical committee on piping systems of NFPA 99. To speak here today for the NFPA 99, I have Rob Early.

Rob, are you there?

MR. EARLY: Good morning. Yes, I am, Mr. Chair. Rob Early, Compressed Gas Association.

MR. GOLINVEAUX: Okay, Rob. I'm going to start your time here, when I give you the notice, of your 10 minutes to present your appeal to the council. So please begin.
MR. EARLY: Good morning, everyone. Rob Early, Compressed Gas Association.

As with the others, I'd like to thank the members of council and staff who have taken time out today. I believe I have a relatively uncomplicated matter. If it gets complicated, it's probably because I have made it complicated, so I will do my best not to drag this into the weeds, so I will try to keep an eye out for that.

Speaking today, I would like to request the overturn of the ballot for TIA 1521 which is dealing with cryogenic fluid central supply systems at health care facilities.

I'll give a little background on this. I think we still have time for that. This goes back to around 2015 when the NFPA 55 industrial medical gases technical committee and the NFPA 99 piping systems technical committee recognized that there's information on cryogenic fluid central supply systems found scattered throughout NFPA 55 and NFPA 99, chapter 5, so that creates a challenge for users defined in one spot. So we formed a task group between 55 and 99 at that time to look at both standards and pull it all together into one section.
which was going to become chapter 17 of NFPA 55.

This task group -- I was actually leading it -- consists of members of both the -- both committees. We did quite a bit of good work on that. It took several cocycles to do it properly. And so the end result we had was to create a new chapter 17 which was published in the 2020 edition of NFPA 55 dealing with cryogenic fluid central supply systems.

For the 2021 edition of NFPA 99, the plan was to go ahead and to extract chapter 17 into a section of chapter five. And this was done, and I'll -- this year during the process for 99. However, what the piping systems technical committee did was, in extracting, they took one section which had to deal with the amount of space around vaporizers, tanks, and other equipment, and have it go from having clearance on all four sides to have clearance only on three sides, with the very valid concern, of course, is that hospitals typically tend to be tight on real estate, so there's a reason to maybe only have it on three sides.

However, a couple of issues that creates a problem. One is there is a technical issue. CJ has actually submitted, worked on committee input on
NFPA 55 for the new edition to capture learnings from our member companies in supplying oxygen and medical gases to hospitals during the COVID-19 crisis. And one of the big issues there, of course, is that they're using a lot -- hospitals are using a lot more oxygen, the flow rates going up, the vaporizers are getting stressed, so space is really -- clear space to run a vaporizer is something we really need to have to not run out of oxygen, not have the temperature drop, and just be able to keep up with these unprecedented demands for oxygen for patients. So that's a technical issue.

The work process issue is the 99 piping committee did -- which they had the right to do, is they extracted all of the chapter 17 from 55, but they took one section dealing with the space and changed it and removed the extract tag, and so it required spacing only on three sides, not on four sides. And the issue from that from a work process viewpoint, we feel, is that now you have conflicting standards. And both NFPA 55, chapter 17, and NFPA 99, chapter five, have the same audience, so we actually had the same audience looking at two standards and realized there's a conflict between...
them.

It is not as though 55's general requirements were taken over, moved over, extracted, and potentially changed because that makes sense sometimes. But, in this case, it's the same audience for both NFPA 55, chapter 17, and NFPA 99, chapter five. So we're asking that the council consider overturning this ballot and to basically have the two documents align. And the mechanism to do that would be with the 2021 edition of NFPA 99 coming out with the nonextracted language, to have the TIA come out in parallel with it so that the general public will have consistent information from both documents. And so that's what we're requesting.

I've looked at the negative ballot comments, and they do make some very valid points, but I still feel it will be good to have those two documents align. For information, which you probably already read, is the technical merit was passed on the piping systems committee. The emergency nature was passed as well. The technical content was passed to the correlating committee, but the emergency nature failed at the correlating committee. So this is
what we're asking.

That's it. Just a fairly -- like I said, fairly uncomplicated matter, but also I'll be clear to answer any questions on this.

MR. GOLINVEAUX: Thank you, Mr. Early. Thank you very much. I will open this up to questions from council. Mr. Quiter?

MR. QUITER: Yes. Jim Quiter, member of council.

There is discussion in some of the negatives about this had been vetted at the technical committee, and that they had specifically decided that the four sides was not needed. Were you a part of that discussion, and do you know why the committee went that direction, why they changed?

MR. EARLY: Rob Early, Compressed Gas Association. Thank you, Mr. Quiter.

No, I was not part of that discussion. We had CJ representatives on the technical committee and they reported back on this, but I was not there present. And I agree the committee does have the right to make that change. We're just asking that they follow the process and make the changes in 55 so they would be consistent. Other than that,
that's all I can answer on it.

MR. GOLINVEAUX: Okay. Thank you. Are there any further questions from council? James Golinveaux, chair of council.

A question for you, Mr. Early. This seems to be -- you know, in your opening statement, it was about space and it was about putting these in in the COVID environment, and more of these tanks are going in. And this seems to be more flexible with three sides, to me, than all sides. With the -- by removing the three sides, it seems to be more restrictive.

And I just want to make sure that I understood your opening statement. The committee is allowing what I thought with three sides was more flexible. By striking three sides, it would go to more restrictive; is that correct?

MR. EARLY: Rob Early, Compressed Gas Association.

And, yes, you are correct. We're asking that it be more restrictive, that it have the spaces on all four sides as opposed to only three. So I apologize for not being clear on that earlier.

MR. GOLINVEAUX: No, no. You're perfectly
clear. I'm sorry, James Golinveaux, chair of
council.

You're perfectly clear on that. Mr. Quiter?

MR. QUITER: Jim Quiter, member of council.

One more question. Is there a hazard with only
three sides, or is it just a consistency issue?

MR. EARLY: Rob Early, Compressed Gas
Association.

And, thank you, Mr. Quiter. This concern we
have is that when -- because we've seen this. A
number of companies have reported back, and CJ has
actually created a safety alert to member companies
by dealing with this. We've seen particularly with
hospitals with ambient vaporizers with drawing a lot
more flow, the ice buildup tends to grow greater and
so when there's not the space, there's actually
occasions where the ice has grown and migrated over
to the wall, and then it starts just creating a
space issue. And it cuts down on the efficiency of
the vaporizer and makes for a challenge to deliver
the high oxygen flows.

And, granted, these are unprecedented flow
rates, but it is what it is. So that's the concern
we have, is that it makes it more difficult to get
enough vaporization of the liquid and convert the
liquid into gas oxygen for the patients. Did I
clarify that, or not?

MR. QUITER: Yeah, just a follow-up on that.
Jim Quiter again, member of council.

So it is more a concern rather than a hazard
that has been shown?

MR. EARLY: Rob Early, Compressed Gas
Association.

Probably. I mean, I don't have -- we've not
seen any documented incidents where we've shut a
hospital down, where any members have shut hospitals
down because of this, so I would concede that it's a
concern. It's not -- we've not seen a direct hazard
take place yet. So thank you. Good point.

MR. GOLINVEAUX: Okay. Ken Bush?

MR. BUSH: Thank you, Mr. Chair. Kenneth Bush,
member of council.

Could you clarify for me that what I'm reading
is correct? It looks like the wording proposed by
the TIA will become extracted text from NFPA 55
where a current wording in NFPA 99 does not?

MR. EARLY: Rob Early, Compressed Gas
Association.
Yes, you're correct. The TIA, if passed, would go back to extracting language from chapter 17 of NFPA 55 which would remove the three sides and have the space required on all four sides.

MR. GOLINVEAUX: Okay. Jeff Foisel.

MR. FOISEL: Jeff Foisel, member of council.

Rob, when you mentioned that the -- for the extracted text that should go back to the NFPA 55, to make the changes there and the one document side of things. Has anything been submitted in that direction yet?

MR. EARLY: Rob Early, CJ.

Yes, there's been -- there's actually a committee input to NFPA 55 to capture all the learnings from COVID-19, which the language right now will be kept the same as this, but also consider any other changes. So there's actually work ongoing now to see what else needs to be changed in cryogenic fluid central supply requirements based on COVID-19 learnings. Did I explain it --

MR. FOISEL: So the particular changes here are part of the COVID submissions for updating 55?

MR. EARLY: Rob Early, CJ.

No, not quite. I mean, basically, this TIA is
going to the language which is currently published in the 2020 edition of NFPA 55. The TIA would just keep the two pubs, 99 and 55, consistent, with the thought that any changes that come out in 2023 in NFPA 55 based on COVID would be extracted over to the 2024, 99.

MR. FOISEL: Okay. Thank you.

MR. GOLINVEAUX: Okay. Are there any further questions from council?

Not seeing any -- let's see, where am I? Mr. Early, you have five minutes to conclude your -- or summarize your appeal to the council. Please begin.

MR. EARLY: Rob Early, Compressed Gas Association.

Thank you, Mr. Chair. And, as I said, this is a fairly uncomplicated matter. We're essentially asking that the council consider overturning the ballot released and issue the TIA so that NFPA 55 and NFPA 99 are consistent with what's currently written in 55 and that -- continue to follow the process.

I should point out one matter I think I might have written in my TIA proposal or TIA note, is that
at this point it's really -- right now the 55 and 99 committees agree this material would be primary within NFPA 55. Having said that, if the NFPA piping committee would like to return that premise back to 99 and keep it all in chapter five, I'm fine with that. It really doesn't matter as long as it's in one place and consistent so there's no territorialness here at all. If 99 would like to take that on, that's fine. If 55 should keep it, that's fine, too. So this is not a matter of turf, if you will. It's just being consistent.

So that's all I've got. I thank everybody for taking time on this, and for the questions, and hopefully, I've answered them all for you.

MR. GOLINVEAUX: Thank you, Mr. Early. As we conclude the hearing, let me inform as to what happens next. The council will deliberate and reach its decision in executive session. Our decision is made -- once the decision is made, that decision, including background and any other information council believes relevant, will be prepared by NFPA staff and published by the secretary of the standards council on the standards council web page and in accordance with the regulations governing the
development of NFPA standards. Additionally, the
decision will be sent to the appellants and the
chair of the responsible committees directly.

The official opinion and decision of counsel is
that as published by the secretary, and no other
communication shall be considered the council's
decision or position. Any questions regarding the
decision should be addressed with the secretary.

On behalf of the NFPA standards council, I'd
like to thank all those who participated in this
appeal hearing. Your involvement, as well as
stakeholders, is important to the NFPA standards
development process. The hearing is now ended.

If this concludes the business for which you
have joined us today, you are welcome to leave the
meeting at this time or remain on for additional
hearings.

Dawn and Suzanne and Chris, do we just want to
run through the last one, or do we need a
five-minute bio break for anybody? I'm looking for
an opinion.

MS. BELLIS: James, we're about an hour and a
half in, so anticipating that this next hearing
probably will be a little more lengthy than the
first couple have been...

MR. GOLINVEAUX: I'm thinking a quick 10-minute bio break, coffee break for everyone would be in order, so I'm going to call that. I'm going to start at 12:05.

MS. BELLIS: I would suggest that rather than everyone logging off and logging back in, you just leave your cameras turned off and your mute off until we rejoin.

MR. GOLINVEAUX: Okay. We'll rejoin at 12:05, East Coast time.

(Recess taken.)

HEARING ON 20-12-21-d

MR. GOLINVEAUX: I've got 12:05. Dawn, are we good to go?

MS. BELLIS: I believe we are good to go.

MR. GOLINVEAUX: So the first question I have, are there any additional guests that have not been recognized or read themselves into the record that have joined us? If you could raise your hand or unmute your microphone?

I'm not seeing any. In fact, the number of attendees has gone down, so I'm going to assume that everyone on the call has read themselves into the
Okay. So, being on the East Coast, good afternoon. My name is James Golinveaux, and it's my distinct pleasure to serve as the NFPA standards council and welcome you. I'm going to call this hearing to order.

In a moment, I will have everyone introduce themselves by stating their name and affiliation, but before we do that, I want to remind everyone that we have a stenographer online with us today who's transcribing these hearings, so from this standpoint, it is important that each of you, when you make your remark, state your name and affiliation so the stenographer may accurately capture the information for the record.

In addition, for those who will be speaking, I will ask that you forward your name and information for the record -- excuse me. I ask that you forward your name and -- as you wish it to appear in the record, as well as your affiliation, to Mary Maynard, if you have not done so already, so that we can capture and spell your name correctly in the record. Her direct email is M as in Michael, M as in Michael, A-Y-N-A-R-D @nfpa.org.
Other than the stenographer, no other recording is allowed. This includes no recording through Teams and no recording on any other devices. For those who are guests for these hearings, please turn off your video. Doing so will preserve the bandwidth for those actively participating in the hearings and minimize any delay issues. Participating in this hearing is limited to those individuals who have previously requested an opportunity to be heard.

Also, a couple of notes regarding Teams platform. Please do not utilize the chat feature as any conversation, statements or questions posted are not part of the hearing record and will not be considered by council during deliberations. Additionally, although the raise hand feature is active, as chair, I will only be recognizing those previously identified as participants to each respective hearing.

Appeal hearings are scheduled for today, December 2nd, 2020, and the plan is to move from one hearing to the next with breaks if necessary.

We'll start with the introduction of council members themselves. My name is James Golinveaux.
I'm the chair of council.

MR. BEEBE: I am Chad Beebe, member of council.

MR. BUSH: Kenneth Bush, member of council.

MR. CROWLEY: Michael Crowley, member of council.

MR. FOISEL: Jeffrey Foisel, member of council.

MS. GLEASON: Patricia Gleason, member of council.

MR. JOHNSTON: Mike Johnston, member of council.

MR. KEITH: Gary Keith, member of council.

MR. KOVACIK: John Kovacik, member of council.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: James Quiter, member of council.

MR. REISWIG: Roger Reiswig, member of council.

MR. RICHARDS: Kenneth Richards, member of council.

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. CHASE: Barry Chase, NFPA staff.

MS. MORENO: Laura Moreno, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.
MR. CARR: Kevin Carr, NFPA staff.

MR. GANOE: Stephen Ganoe, NFPA staff.

MR. HARRINGTON: Gregory Harrington, NFPA staff.

MS. FLEMMING: Delisa Flemming, NFPA staff.

MS. MAYNARD: Mary Maynard, NFPA staff.

MR. SARGENT: Jeff Sargent, NFPA staff.

MR. GOLINVEAUX: Okay. And, during that, has anyone else joined us that has not been recognized?

Not seeing any, from a process standpoint, the general approach we will take today is to allow 10 minutes for each side to make opening remarks and then we'll open the floor to questions from the council members. Please wait for me to recognize you before speaking to ensure that all comments and questions are heard for accurate recording. Once all questions are addressed to the satisfaction of council, we'll move to closing remarks. Five minutes have been allocated for closing remarks for each side. Following closing remarks, the hearing will conclude.

As a reminder, and in accordance with the regulations governing the development of NFPA standards section 3.3.3.4, meetings shall not be
recorded verbatim by any means other than as authorized by the standards council secretary. For the purposes of this hearing, the secretary has authorized recording by the stenographer, but any other recording of this hearing is prohibited. Does anyone have any questions at this point?

I'm not seeing any, so let's go ahead and begin. This hearing is related to the agenda item 20-12-21-d, as in David, regarding the text of TIA 1539 to overturn the ballot results and issue TIA 1539.

This is as the text was recommended by the technical committee on aircraft and fueling service of NFPA 407. I have notes on this that two people -- Steve Berry will be speaking on behalf of the National Air Transportation Association, and Jeremy Souza, I believe, will be reading into the record the committee statement.

Am I correct on that, Dawn or Suzanne? Those are the two speakers?

MS. BELLIS: Yes, that's correct, James.

MR. GOLINVEAUX: Okay. Okay. So, Steve, I'm going to -- just bear with me one second to get my timer started here. Steve, you will have 10 minutes
to address the council in support of your appeal. So please begin.

MR. BERRY: Good afternoon. My name is Steve Berry, manager of fuel quality and safety at the National Air Transportation Association, or NATA.

Several industry experts and I attended the most recent meeting of the technical committee on aircraft fuel servicing back in September. During the meeting, there was a motion to remove the retroactive language from the requirement for automatic shutdown systems at airport fuel loading racks. One of the most frustrating parts of that experience was hearing technical committee members discuss how the requirement impacted only large commercial airports. That was, and is, false. The requirement impacts small, medium, and large airports and businesses. However, our status as guests at the time precluded us the opportunity to correct the record.

So, at issue today is NATA's proposed TIA 1539. This TIA seeks to remove the retroactivity requirement for the installation of automatic shutoff systems at airport fuel load racks that are also compatible with the mobile refuelers that they...
The overfilling of mobile refuelers is a serious issue, one that poses risk to life, property, and the environment. And this is precisely why the NFPA 407 standard for aircraft fuel servicing has required mobile refuelers to be equipped with high-level shutoff systems for decades, systems that when operated properly are very effective and have a demonstrated history of reliability.

If these systems are failing at such a rate as to require the retrofitting of every mobile refueler and every load rack in the country with compatible automatic shutdown systems, there should be verifiable data to support such an expensive and onerous requirement.

NATA represents thousands of aviation businesses, all of whom acknowledge that while the overfilling of mobile refuelers does sometimes occur, the root cause is rarely because the high-level shutoff failed, but rather, because of intentional noncompliance on behalf of the operator, something that even this costly retrofit would not correct.
As to cost, I'd like to take a moment to address it, since it seems to not have been given the consideration that it deserves when retroactivity was included in the standard, even with the five-year time frame allotted in the 2017 revision. The average cost for an airport that covers both jet fuel and av-gas to retrofit their existing equipment is approximately $22,000. And that's assuming the airport only has one loading rack and one mobile refueler per grade of fuel.

As mentioned earlier, some have argued that the NFPA 407 only applies to large commercial airports who have already installed these compatible automatic shutdown systems, but the truth is, the 407 is the national standard for aircraft fuel servicing and is widely adopted at most airports in the country. In fact, current draft FAA guidance on aircraft fuel storage handling, training, and delivery makes compliance with the most recent edition of the NFPA 407 mandatory for all airports that receive federal funding under the airport improvement and passenger facility charge programs.

So this issue goes well beyond just large commercial airports, and affects the more than 5,000
public use airports in the United States. Multiply that by $22,000 per airport, and you're looking at over 100 million dollars to address a risk that has not been clearly established with verifiable data presented by the technical committee.

Effectively, this 100 million dollars decision has been based on little more than anecdotal evidence. Requiring retroactive compliance on existing equipment is not only extraordinarily expensive and does little to reduce actual risk, but ignores the voice of an entire industry. The NFPA has heard from more than 300 FBOs, airports, state aviation associations, aircraft operators, and fuel suppliers who submitted comments in regard to TIA 1539. And of those 302 comments, exactly zero were in opposition. And while this issue has been open for public comment for many years, it does not change the reality of what is being presented here today.

I'd also like to point out that TIA 1539 did achieve a simple majority when balloted, and that the inclusion of retroactivity has been debated heavily amongst the 407 technical committee for years, I'd argue that this points to just how split
the committee is on the issue.

But much like JFK once said, our task is not to fix blame for the past, but to fix the course for the future. So on behalf of NATA, our membership, and the general aviation industry, I respectfully ask that the standards council approve TIA 1539, and I thank each of you for allowing me the opportunity to address you today. Thank you.

MR. GOLINVEAUX: Thank you, Mr. Berry. Jeremy Souza?

MR. SOUZA: Good afternoon. Thank you. My name is Jeremy Souza.

I am a fire protection and life safety consultant with Code Red Consultants in Southborough, Massachusetts. I am also a member and past chair of the aircraft fuel servicing technical committee. And while I have submitted a written statement to the council in opposition to this TIA, I will be speaking in this case for the technical committee on behalf of the chair, Carrie Skinner, who is unable to attend today's hearing.

This TIA is related to installation of automatic overfill prevention systems for aircraft fuel servicing tank vehicles. Beginning in the 2017
edition, NFPA 407 requires installation of overfill prevention systems at new and existing aircraft fuel servicing task vehicle loading racks which will shut down the loading rack when the pump -- sorry -- shut down the loading rack pump when the vehicle's storage tank is full. Prior systems did not shut down the pump, and they only closed the valve inside the loading -- the truck's tank that is being loaded. If that valve fails, the tank then is overloaded, discharging fuel from the vent system onto the ground.

The technical committee first visited this item at the 2014 first draft meeting for NFPA 407, 2017 edition. The first revision was created by the technical committee, not by a public input. The technical committee debated, at length, the need for retroactivity to existing installations. There was discussion at the time of setting thresholds based on fuel flowage rates, number of fill operations per a given time period, and other metrics to determine if an overfill prevention system was required. It was also identified at the time that overfill prevention systems were already required by NFPA 30 for all vehicle loading racks.
The technical committee could not come to consensus on thresholds and opted, instead, to make the requirement fully retroactive to existing facilities as well as new installations. The technical committee recognized the financial implications of the decision and gave a five-year implementation timeline to allow airports to plan for installations and let the industry come up with various means and methods for compliance.

This item passed ballot first draft and received zero public comments for second draft. At the second draft meeting in 2015, the committee again discussed the item and its implementation, reaffirming the retroactivity methodology initially passed at first draft. The implementation deadline was set five years from the effective date of the 2017 edition, which is June 2nd, 2021.

In the three-year public input period following publication of the 2017 edition, there was zero public inputs received on this topic. At the first draft meeting for the proposed 2022 edition which was held last year, 2019, a committee member moved to remove the retroactivity requirement from the -- from the 2022 edition. This did not pass a
committee vote during the first draft meeting and
was not included in the first draft report.

Additionally, a continuation meeting for the
first draft meeting was held solely to update the
compliance deadline. The committee voted at the
continuation meeting to modify the wording from
"five years from the effective date" to the fixed
date of June 2nd, 2021. This first revision passed
ballot and was included in the first draft report.
No public comments were received on that change.

The retroactivity requirement was yet again
brought up at the second draft meeting for the
proposed 2022 edition, again from a committee
member. This, again, did not pass vote at the
second draft meeting and was not included as a
second revision. Parallel to this -- to the second
draft meeting, TIA 15 39 was in process and was
discussed at the meeting, but not acted upon as the
TIA had not yet fully been submitted.

The technical committee is split on this TIA.
While a clear majority voted to accept the TIA, it
did not receive the required 75 percent vote, with
16 in agreement and nine disagreeing. While each
member has their own individual reasons for casting
their vote the way that they did, the general consensus for those who agree seem to be related to the current financial situation caused by the pandemic and its resulting decrease in aviation traffic and near catastrophic impact on those who derive their income from the sales of aviation fuel.

The consensus amongst those who voted disagree is based on the lack of input from the aviation community in the past six years and the last-minute change that seems to be taking place now.

That concludes my statement. I thank the counsel for your time, and I will happily answer any questions that the council may have.

MR. GOLINVEAUX: Thank you very much. I am now open for any questions from council.

And to start this off, James Golinveaux, chair of council. A question for either appellant here. This came out in 2017. The TIA is coming out, you know, seven or eight months before the deadline date. Was there a reason that we waited so long to file this TIA, or was it just not known to this effective date? I guess that would be to you, Mr. Berry.

MR. BERRY: Sure. This is Steve Berry with
I'm happy to address that, Mr. Chair. So one of the primary reasons that no public comments were submitted up until this point is, to be quite honest and quite frank, is that the public solicitation comment process is not well known or defined or publicized, rather, I should say, to the general aviation industry. Once we became aware of it and we brought it to our GA fuel handling subcommittee and promoted it to the industry, we received overwhelming support.

Another factor is, as I mentioned, the latest draft FAA guidance now requires the NFPA 407 to be mandatory at airports who accept federal funding. So, all of a sudden, airports and FBOs started hearing about this, and it became more of a concern. And that's what brings us here today, is the industry was honestly just not aware of it up until we brought it to their attention, and once they were aware of it, we received the overwhelming support that we did.

MR. GOLINVEAUX: Okay. Thank you. And James Golinveaux, chair of council.

A question for Mr. Souza. Mr. Souza, you said...
in the 2022 first draft preparation that the
language is going to the fixed date of June 21st,
2021, and that's what we're going to issue. We're
going to issue a compliance date of 2021 for a 2022
document; is that correct?

MR. SOUZA: That is correct, sir. The June
2nd, 2021 date was five years from the
implementation date in the 2017 edition.

MR. GOLINVEAUX: Okay.

MR. SOUZA: So that being the end date for --
under the 2017 edition, it essentially becomes a
legacy date in future editions. There's a similar
methodology in NFPA 58 for the requirement of,
again, oddly enough, overfill protection devices for
liquified petroleum gas cylinders, that the date
still -- I believe still remains in NFPA 58 with a
2001 or 2002 implementation date that's continued to
be carried over.

MR. GOLINVEAUX: Thank you. Mr. Quiter?

MR. QUITER: Jim Quiter, member of council.

As I understand it, there's already an
automatic valve shutoff, so this adds another safety
feature, which is an automatic pump shutoff. Are
there records or data about how often that valve
fails, how often there have been spills, and how
often there have been incidents after those spills?

MR. BERRY: Steve Berry, NATA, here.

And that's just the point, Jim, is that there
is no sufficient data, that this is occurring at
such a frequent rate to justify a retroactive
requirement to install these automatic shutdown
systems on the pumps. Every instance that we're
aware of within our industry is because of -- or I
should say the majority of instances that we're
aware of within our industry is because of
intentional noncompliance where the operator would
be filling a truck, intentionally bypassed the
deadman switch, and essentially override the
fail-safe components of the system that's designed
and has been effective for years.

So that's why we're asking to remove the
retroactivity requirement because we're essentially,
you know, going to put in a system that's not going
to reduce the risk any further than it already is
primarily because even these automatic shutoff
systems that are being proposed, they can also be
bypassed. So if folks out there are going to be
intentionally not compliant, then even this isn't
going to solve the problem.

So we're not arguing that this technology isn't somewhat better or adds another layer of protection than the existing technology. We're all about advancing the industry and getting safer as we move along. But to make it retroactive with the price tag that it has is what we're asking to be removed. Let's apply it to new equipment moving forward instead of going backwards when there isn't any good data to necessitate the need.

MR. SOUZA: And, Mr. Chair, Jeremy Souza from Code Red. Can I also respond to that?

MR. GOLINVEAUX: I was just going to ask that you do. Thanks.

MR. SOUZA: Thank you. The -- again representing -- Jeremy Souza representing the technical committee for aircraft fuel servicing.

This was debated back -- this concept of why the pump shutoff versus a vehicle shutoff was debated, not necessarily debated at length, because of the functionings of the existing overfill prevention systems, that they are built into the truck. When that system fails, it fails in the open position. So the valve, the loading valve on the
bottom of the fuel truck does not close when it's supposed to close when the truck is full. That valve does not close and the loading rack pump continues to operate. It continues to pump fuel into the truck, thus resulting in the overfill.

The systems that were brought up in 2017 and that are currently -- we're currently debating do detect when the truck is full and it shuts the pump off. I respectfully disagree with Mr. Berry that the systems can be bypassed. The failing of -- the modes of failure for these shutoff systems fail that the pump itself does not turn on, not that the pump remains on. If the system is not connected to the fuel truck, then the system will not allow the fueling pump to turn on.

As in regards to the numbers of spills, there are no solid data. There's no reporting mechanism. I did do some background research in 2017 attempting to use NFIRS data, National Fire Incident Reporting System, to verify airport fire department responses to fueling facilities for overfills. And that level of granularity of the data is just not available in the NFIRS reports. It's not something that's readily searchable.
We then defaulted to the members of the enforcement and the responder community who are represented by the aircraft fuel servicing technical committee and the other industry connections that that responder community has. My own personal experience, I was in charge of fire prevention at an air carrier airport in New England for 12 years. My own experience with the facilities that my fire department responded to, we were seeing about one spill every two to three months due to overfilling. And while all of them the operator claimed that he checked the system and was using it properly, we were never able to determine operator failure versus equipment failure at the point that we cannot determine the failure, then we need to engineer around that failure. And that was what this -- this section of NFPA 407 was designed to do.

MR. GOLINVEAUX: Okay. Jim, I assume you're okay with that. Move to Chad Beebe.

MR. BEEBE: Yeah, Chad Beebe, member of council.

This question is for Mr. Berry. You mentioned that you were at the committee meeting as a guest. Did you talk to the chair about addressing the
committee? And how did that conversation go?

MR. BERRY: I did. I did request to address the committee, and I was told that as a guest, I was prohibited from participating, and that we could listen only, which is why I opened my statement with that frustrating experience.

MR. BEEBE: Thank you. Chad Beebe again, member of council.

Additional question. You mentioned that there was a lot of impacts on the general aviation airports. What type of impacts are you thinking there? I think I've heard a couple times, like, $20,000 for this equipment. Is this increasing hazards at local airports? Reducing hazards? Are we looking at potential closure of some of these airports? What type of impacts?

MR. BERRY: Steve Berry with NATA.

That's a great question, Mr. Beebe. So the financial impacts are huge. As I laid out, average cost of $22,000. And that's only if they have one load rack and one fuel truck per fuel farm. Most airports have multiple load racks and multiple fuel farms.

Part of my written materials that were
submitted were several of the comments that were put forth by the public which outlined the costs that they're facing right now, which, you know, during COVID is even harder to swallow. There are going to be some businesses that will either be out of compliance with the National Fire Code or they will be put out of business if they have to pay for this retrofit. And that's who we're looking out for here.

MR. GOLINVEAUX: Okay. Moving on to Jack Poole.

MR. POOLE: Question for both. And this is Jack Poole with -- member of council.

What is the current testing requirements for the existing automatic shutoff feature for the component that is there today? Is there some type of testing requirements that has to be done? And the second part of that question, are those requirements, if they exist, truly being implemented like they should be?

MR. BERRY: Steve Berry with NATA.

Thank you, Mr. Poole. Yes, there's what is known as a precheck device on the high-level shutoffs of mobile refuelers. The way it's designed
is when the truck is connected to the bottom of the rack and flow is initiated, this precheck device is -- it's essentially a handle that gets pulled which confirms that fuel flow stops. What's happening when you activate that precheck, when you're flowing fuel, you have some sense lines that go to the top of the truck. Those sense lines connect to another sensor which allows the belly valve -- sends a signal to the belly valve to remain open. As the fuel level rises, it blocks that stream of fuel between the sensor. It sends a signal to close the belly valve.

So when you're performing that precheck function, you're essentially simulating the truck being full by cutting off that flow of fuel to the sensor, and that's what the precheck device is designed to do. And they work quite effectively.

MR. POOLE: Jeremy, do you have a response to that?

MR. SOUZA: Jeremy Souza, Code Red Consultants representing the aircraft fuel servicing technical committee.

I would agree with Mr. Berry's description of how that system operates and how the precheck is
meant to operate. The downfall of that system is that it requires the fueling operator to manually operate that valve to verify that the high-level sensor system is operational. The truck will fill whether the system is operational or not, which that's generally what we see, that the operator -- during a spill event, the operator will claim that he checked -- utilized the precheck and that it worked fine, and then in the intervening time between when he started fueling and when the overfill happened, that that it mysteriously failed.

That is a very consistent statement across all of the responders, the fire service folks who would respond to these incidents. The high-level shutoff systems that 407 is now calling for, as I said before, they verify the operation, and if the system does not go through its own internal check and successfully pass those checks, it will not turn the pump on and allow the truck to fill up.

MR. POOLE: So, James, this is Jack Poole, member of council again. Steve, did you want to respond to that, or can we allow that, James? Looks like Mr. Berry had a response.

MR. GOLINVEAUX: You can certainly ask a
follow-up.

MR. BERRY: Yes, I did want to respond. Steve Berry with NATA.

I did want to respond to that. Again, it comes back to the data. There's no data showing that there's overfills of the bottom loading valve failing at such a rate to justify a $100 million expense to the industry. We're all about progression and moving forward, but let's do it as we build new fuel farms like almost most -- as far as I'm aware, the NFPA standards work. It's fairly rare for retroactivity to be applied, especially in a case like this.

We have systems that work. Their failures are due to intentional noncompliance, not system failure. And to Mr. Souza's point, you know, the way that the belly valve works, if he's concerned about it sticking open, the precheck is going to tell you whether or not the belly valve is functioning as designed. If you were to have these automatic shutoff systems out there, which, by the way, can be bypassed because they need to be able to be bypassed to recirculate, if you were to have those systems out there, then it might lend people
to become overreliant on the technology instead of physically testing the valve itself, which is what we're concerned about. That belly valve needs to close regardless of -- needs to close during the fueling operation, and that's what the precheck does.

We have an effective system in place. We have no data to support such a costly retrofit across an entire industry, and we respectfully ask that the retrofitting language be removed.

MR. GOLINVEAUX: Okay. And I'm going to remind the respondents. The question was pretty simple as to is the valve tested, so we're going to try to limit the responses, you know, to the question at hand. You'll have another five minutes to summarize and conclude your arguments, just in the essence of time.

So, Jack, I assume you're good there. Your hand's still up, but I'll take it as you're finished, and we'll go with Ken Bush, please.

MR. BUSH: Thank you, Mr. Chair. Kenneth Bush, member of council.

Question to either speaker. Can you give me an idea on the service life of the equipment that's
affected by this TIA?

MR. BERRY: Steve Berry with NFPA. I'm sorry, with NATA.

You know, trucks -- there's trucks out there that -- I mean, I would say the leased trucks get replaced -- you know what? I'm going to defer to Randy Harrison with Avfuel. He's our guest, would he be able to address the council on this one?

MR. HARRISON: Sure. Refuelers side, we have a leased weight of roughly --

MR. GOLINVEAUX: Randy, you need to identify yourself and your affiliation, please.

MR. HARRISON: Randy Harrison. I apologize. Randy Harrison, Avfuel Corporation, also member of the NATA general committee.

We have a leased fleet of over 800 -- I can speak for those -- around the country for all different-size airports from small airports to large airports. And as far as time frame, we've got trucks still in our fleet that are in the 1990 range, to give you an idea, and then obviously all the way up to brand-new 2021s. Refuelers, on average, get about a 15-year life expectancy that we see. I've been doing it 30 years in this business
doing both.

When it comes to fuel storage facilities, fuel storage facilities cost to most airports replacement somewhere around 30 years of life expectancy of a fuel storage facility. So that's the tanks, the pumps.Obviously, they do maintenance and things, but that's typically a life expectancy of a storage facility at an airport.

MR. GOLINVEAUX: All right. Thank you. Moving on to Mike Crowley, please.

MR. CROWLEY: Mike Crowley, member of council. This is a question for Mr. Souza. Hopefully, he may be able to answer this one as a member of the technical committee. Do you feel the balance on the technical committee addresses some of the unique concerns we're hearing about these small FBOs and small facility operations?

MR. SOUZA: Jeremy Souza, Code Red Consultants, representing the aircraft fuel servicing technical committee.

Mr. Crowley, I do feel that that community is represented. A number of the manufacturers on the committee and users of the committee focus more on the smaller airport fueling systems. We do have a
factors, but we do have several of those members. And those were the members who were the most vocal on this issue of implementation thresholds and how do we make it not apply to the very small airports who would be most who would be the harshest receive the harshest impact of the retroactivity requirements. I do think, overall, the balance is pretty reliable and what I would expect to see.

MR. GOLINVEAUX: Okay. Mike, follow-up?

MR. CROWLEY: Yeah. Mike Crowley, member of council.

Steve, I'm not sure how familiar you are with the NFPA process. You had mentioned you weren't. But if you -- our rules say we can't have more than 1/3 of any special interest group on any technical committee, do you feel you were well represented in our technical committee.

MR. BERRY: I do not. I don't think the technical committee takes into consideration the general aviation industry. I think most of the folks, like Mr. Souza and some of the enforcing authorities that are on that committee, represent
large commercial airports and the general and
business aviation community often gets overlooked.
We're not talking about big airports here. We're
talking about that small airport down the street.
Small businesses do not have the resources to comply
with retroactivity, especially when -- I'll just
leave it that at.

MR. GOLINVEAUX: Okay, I'm going to move on to
Ken Bush.

MR. BUSH: Thank you, Mr. Chair. Kenneth Bush,
member of council.

Another question for Mr. Souza. Do you have
any comment on the ability of guests to participate
at the meeting, particularly when it came to this
issue at the last annual committee meeting?

MR. SOUZA: Jeremy Souza, Code Red Consultants,
representing the aircraft fuel servicing technical
committee.

Mr. Bush, I cannot speak solely for the chair.
I don't know exactly what his thought process was at
the time. There was discussion at the beginning of
the meeting for the second draft meeting that with
the contentiousness of this topic coming up and that
it had been brought up -- was being brought up by --
how do I say this? It was expected and anticipated that a committee member would be bringing this up as a committee-generated second revision based on the first draft meeting that we were going to be discussing this topic. Regardless of who it was who brought the subject up, the subject was brought up and was vigorously debated by the committee.

The fear at the time was given that it was a Microsoft Teams meeting that -- and we were doing an entire second draft meeting solely remotely, that the discussion of the TIA that had not yet been fully vetted by NFPA staff would have resulted in a very lengthy and contentious meeting. But, generally, for a committee meeting, the input of guests is solicited and expected.

MR. GOLINVEAUX: Okay. Mr. Poole?

MR. POOLE: Thank you, Mr. Chair. Jack Poole, member of council.

I'd like to go back to one of your earlier questions and direct this question to Mr. Berry. Acknowledging that it kind of appears that the sole issue is financial, and we are well into the five-year period, I would like to know how many of your, I'll say, medium to smaller members have
complied with the requirement and have installed the
required devices. What percentage do you think we
have compliance versus not complied as of this point
in time?

MR. BERRY: Steve Berry with NATA.

That's tough to put an exact number on. I'd
say less than 10 percent. Randy or John, do you
know if you guys have numbers, or want to chime in
on this? I'd like to defer to you as well.

MR. HARRISON: Randy Harrison, Avfuel
Corporation again.

We get calls every day but -- asking, you know,"Where's this at?" "Do I really have to comply?"
Things like that kind of nature. I would say less
than five percent in the GA community, if not less
than that. The larger airports were already
starting to comply or had complied already. Again,
they're being looked at, or I should say they're
reviewed by the local RF community or, you know, the
fire departments at part 139 airports, so those have
a larger number.

And I would say -- we just did a evaluation
here amongst airports that we service with fuel
supply, and -- how many airports? 167. 139
airports only have about 10 percent. So, right now, very small amount, even in the larger airports have made the compliance so far. Again, loss of communication to them, but very small number at this point.

MR. GOLINVEAUX: Okay. Thank you. I'm going to move to Mr. Quiter.

MR. QUITER: Jim Quiter, member of council. Just a real quick question. If this was put into effect in 2017, how is five years from 2017, 2021?

MR. SOUZA: Jeremy Souza, Code Red Consultants, representing the aircraft fuel servicing technical committee.

The effective date of the 2017 edition was June 2nd, 2016. How the edition numbers are -- the edition dates, I'm really not sure of how that is done, but that was the number that was published, so that was the number that the committee had to go with.

MR. GOLINVEAUX: Okay. Jim, you're good with that?

MR. QUITER: It was just my math.

MR. GOLINVEAUX: Okay. I'm not seeing any
further questions. Do any member of council have
any further questions?

Seeing none, I'm going to open it up for final
comments. Mr. Berry, you'll go first; and,
Mr. Souza, you will follow up. You both have five
minutes. So, Mr. Berry, if you would begin your
summary comments for me, please?

MR. BERRY: Thank you, Mr. Chair. Steve Berry
with NATA.

In summary, I'd like to say the requirement for
compatible automatic shutdown systems was made with
a -- was made as a broad brush solution, and
implemented without data to justify such an action.
The retroactive nature of the requirement
dramatically increases the cost of compliance
without sound justification. The technical
committee has demonstrated a clear misunderstanding
of who is impacted by this requirement, and there is
a lack of evidence demonstrating the need for
compatible automatic shutdown systems across the
entire industry.

However, TIA 1539 proposes only removing the
retroactive component and, instead, applies it only
to new equipment. Based on these considerations,
the majority support reflected in the final ballot results from the technical committee itself, and the overwhelming industry support, we ask that the standard council approve TIA 1539. Thank you.

MR. GOLINVEAUX: Thank you, Mr. Barry.

Mr. Souza? Five minutes, please.

MR. SOUZA: Jeremy Souza, Code Red Consultants, representing the aircraft fuel servicing technical committee.

The aircraft fuel servicing technical committee has been debating this particular topic since 2014. The topic -- this retroactivity requirement has prevailed through now two revision cycles of NFPA 407. Through both revision cycles, there was zero public input, zero public comment that was received on any -- at any phase. Given that, the committee feels that the NFPA standards development process was followed and that the retroactivity requirements should remain in the standards, both 2017 and the proposed 2022 edition.

MR. GOLINVEAUX: Okay. Does that conclude?

Mr. Souza, you've concluded?

MR. SOUZA: Yes, I have.

MR. GOLINVEAUX: Okay. Thank you. As we
conclude the hearing, let me inform as to what happens next. The council will deliberate and reach its decision in executive session.

Our decision is made -- once the decision is made, that decision, including background and any other information council believes relevant, will be prepared by NFPA staff and published by the secretary of the standards council on the standards council web page, and in accordance with the regulations governing the development of NFPA standards.

Additionally, the decision will be sent to the appellants -- the decision will be sent to the appellants and the chair of the responsible committees directly. The official opinion and decision of the council is that as published by the secretary, and no other communication shall be considered the council's decision or position. Any question regarding the decision should be addressed with the secretary.

On behalf of the NFPA standards council, I'd like to thank all of those who participated in this appeal hearing. Your involvement, as well as all stakeholders, is important to the NFPA standards
development process. This hearing is now ended.

   If this concludes the business, which this
includes all of the appeal hearings for today, we
will go off the record. I want to thank everybody.

   (Whereupon, the meeting was adjourned at 12:52
p.m.)
CERTIFICATE

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