



*Dawn Michele Bellis*  
*Secretary, Standards Council*

20 December 2022\*

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#22-15</b>
Standards Council Agenda Item:	<b>SC#22-12-8-d</b>
Date of Decision:	8 December 2022
TIA No. 1679 to NFPA 70®, <i>National Electrical Code</i> ®, 2023 Edition	

Dear Interested Parties:

At its meeting of December 7-8, 2022, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, C. Duffy, J. Sargent  
Members, NEC Code-Making Panel 2 (NEC-P02)  
Members, NEC Correlating Committee (NEC-AAC)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

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\*NOTE: Participants in NFPA's standards development process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the publication date of this Decision.



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**SUMMARY OF ACTION (for convenience only; not part of official decision):** The Standards Council voted to deny the appeal requesting Council to take actions to address the issues relating to TIA No. 1679 to NFPA 70®, *National Electrical Code*®, 2023 Edition.

**DECISION:**

At its meeting of December 7-8, 2022, the Standards Council considered an appeal from Daniel Buuck of National Association of Home Builders related to TIA No. 1679, which seeks to add a new exception in section 210.52(C)(3). The appellant clarified that while he did not seek to overturn the results of the standards development process, he did seek the following actions by the Standards Council in relation to the TIA:

- (1) The Council to issue a call to expand CMP-2 membership to add “much-needed representation from the accessibility community, including those who design spaces for people with disabilities, those who require the use of such spaces, and those who enforce accessibility requirements” and
- (2) To form a Task Group of affected stakeholders, including accessibility experts, installers, code officials, and device manufacturers to address the Appellant’s concern for “a lack of coordination between two important design standards, NFPA 70 and ICC A117.1.”

As background, the Appellant submitted this appeal on behalf of the *ICC A117.1 Task Group: Electrical Receptacles in Facilities with Accessible, Type A, and Type B Dwelling and Sleeping Units*, for which he serves as Chair, with intentions of raising concerns regarding inconsistencies in terminology and allegations of coordination lacking between electrical installation requirements included in the NEC® with other codes such as NFPA 1, NFPA 101, and the International Building Code to the Council’s attention. The TIA was balloted through Panel 2 and the NEC Correlating Committee (CC) in accordance with the *Regulations Governing the Development of NFPA Standards (Regs)* to determine whether the necessary three-fourths majority support was achieved on technical merit, emergency nature, and correlation for recommendation of issuance. The TIA failed to achieve the necessary support of Panel 2 on both technical merit and emergency nature, but did achieve the necessary support of the CC on correlation.

On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis upon which to overturn the results yielded by the NFPA standards development process and acknowledges that this was not the result being sought by the Appellant. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the NFPA 70, *National Electrical Code* will not include the text of TIA No. 1679.

The Council asks that the appellant work with NFPA staff to engage with NFPA’s established Disability

Access Review and Advisory Committee (DARAC)—a committee charged with identifying existing needs and emerging issues in the disability community pertinent to NFPA’s standards. In response to Appellant’s concerns regarding representation of the accessibility community in the code-making process of the NEC, the Council directs this matter be referred to DARAC for guidance and recommendations to be developed for the next NEC revision cycle or for submission of a Tentative Interim Amendment, if appropriate. Additionally, Council encourages qualified applicants to apply to applicable NEC code-making panels for consideration of appointment.

Council members Michael J. Johnston, John R. Kovacik, and Rodger Reiswig recused themselves from deliberations and vote on this appeal.

Council members Randy Krause and Jack Poole were not in attendance on December 8, 2022 and therefore did not participate in the deliberations and vote on this appeal.