12 August 2013

To: Interested Parties

Subject:

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<th>Standards Council Decision (Final):</th>
<th>D#13-9</th>
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<td>Standards Council Agenda Item:</td>
<td>SC#13-8-2-b-1</td>
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Dear Interested Parties:

At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, D. Beach, G. Colonna
   Members, TC on Liquefied Petroleum Gases (LPG-AAA)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA’s codes and standards making 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 NFPA Regulations Governing Committee Projects 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 Date of Decision noted in the subject line of this letter.
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to Accept Certified Amending Motion (CAM) 58-3 to Accept Comment 58-50.

DECISION:
At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal from Richard Fredenburg of North Carolina Department of Agriculture and Consumer Services. The appeal requests that the 2014 edition of NFPA 58, *Liquefied Petroleum Gas Code* be issued with acceptance of Comment 58-50. Specifically, the appeal seeks to add a new section 6.6.3.1(H) to read as follows:

6.6.3.1(H) Containers shall be set upon a firm foundation or otherwise firmly secured.

As background, the Technical Committee on Liquefied Petroleum Gas (TC) rejected Proposal 58-85 which sought to add a new Section 6.6.3.1(H). As result, Comment 58-50 which sought acceptance of Proposal 58-85 was submitted and rejected by the TC. Subsequently, Certified Amending Motion (CAM) 58-3 which sought to Accept Comment 58-50 was made at the 2013 Association Technical Meeting (Tech Session). This amending motion passed on the floor but failed the subsequent balloting of the TC. This means that, by operation of NFPA rules, the recommendation that comes to Council is that no change from the existing edition should occur, and the portion modified by the Association amendment is returned to previous edition text. See Regulations Governing Committee Projects (*Regs*) at 4.7.1(c). In this case, since there was no corresponding previous edition text, the new section 6.6.3.1(H) is deleted.

The appeal requests that the Council overturn the result that was yielded by the standards development process. 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 on which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the new section 6.6.3.1(H) will not be added to the 2014 edition of NFPA 58.