October 8, 2013

To: Interested Parties

Subject:

| Standards Council Decision (Final):  | D#13-20 (REVISED) |
| Standards Council Agenda Item:       | SC#13-8-32-c      |
| Date of Decision:                   | 1 August 2013     |
| **NFPA 72, National Fire Alarm and Signaling Code, 2012 Edition** |

Dear Interested Parties:

At its meeting of July 29-August 1, 2013, the Standards Council considered an appeal on the above referenced matter.

Please note that a correction has been made to the final decision that was previously sent out today for Council agenda item #13-8-32-c. Specifically, the only change is that Docket Number D#13-19 should be D#13-20. The rest of the decision remains unchanged.

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

Sincerely,

Christian Dubay
Secretary, NFPA Standards Council

Members, Correlating Committee on Signaling Systems for the Protection of Life and Property (SIG-AAC)
Members, TC on Signaling Systems for the Protection of Life and Property – Supervising Station Fire Alarm and Signaling Systems (SIG-SSS)
Members, NFPA Standards Council (AAD-AAA)

*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. Since this Council decision is not “related to the issuance of a document” as referenced in 1.7.2 of the Regulations Governing Committee Projects, notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within a reasonable time period.*
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal concerning the membership of the Technical Committee on Supervising Station Fire Alarm and Signaling Systems.

DECISION:
The Council considered the appeal of Edward Bonifas, Alarm Detection Systems, Inc., concerning the membership of the Technical Committee on Supervising Station Fire Alarm and Signaling Systems (the “Technical Committee” or “Committee”). Specifically, Mr. Bonifas has requested the Council to: remove the Chair of the Technical Committee, Warren Olsen; remove two members of the Committee, Larry Coveny and David Blanken; and reject the applicant, Steve Rauter for membership on the Committee. As grounds, Mr. Bonifas cites various reasons, including assertions that these individuals have a “conflict of interest” and have expressed views or taken positions that, he asserts, are “inconsistent with NFPA goals.”

Having reviewed the appeal and all the information available to it, the Council has found no basis to take any action based on the grounds or allegations set forth in the appeal. Accordingly, the Council has denied the appeal and declines to remove Messrs. Olsen, Coveny, and Blanken from the Technical Committee. Similarly, the Council has found no basis in the appeal to deny committee membership to Mr. Rauter. For reasons unrelated to this appeal, the Council has “held” the application of Mr. Rauter. As explained below the decision to hold the application neither implies that the Council has credited any allegations in the appeal nor implies any negative conclusions concerning Mr. Rauter’s individual qualifications or integrity.

Without attempting to respond to each and every allegation or assertion in the appeal, the Council makes the following general observations.

- To the extent that the appellant’s allegations of “conflicts of interest” imply that Technical Committee members may not have business or economic interests relating to the work of the Committee, the allegations misperceive the nature of NFPA’s standards development process. NFPA Technical Committees must include members with a variety of interests, including relevant business or economic interests. Indeed, it is a fundamental premise of ANSI-accredited voluntary consensus standards development that consensus bodies such as NFPA Technical Committees will include a balanced membership of relevant interests. As long as members are correctly categorized according to their interests and otherwise conduct themselves in...
accordance with NFPA rules and guidelines, the fact that they have a business or economic interest is no bar to prevent service on a Technical Committee.

- It may well be that some Technical Committee members, including those challenged by Mr. Bonifas, hold strong views on issues that may be considered by the Committee. Whether such views are “inconsistent with NFPA goals” is not for the Council to decide. Rather, it is for the Technical Committee, after debate, discussion and review of the issues presented and the technical and other supporting information provided, to determine the content of NFPA standards in keeping with the their committee and document scopes as well as the safety mission of the NFPA. Mr. Bonifas, by participating in the process and presenting and providing support for his views and for his critiques of the positions with which he disagrees, will greatly assist the Technical Committee in evaluating the issues before them.

- Mr. Bonifas has submitted documentation concerning an ongoing lawsuit. It is not for the Council to assess the intricacies or merits of a lawsuit, and the Council has not attempted to do so. Suffice it to say that nothing in the papers Mr. Bonifas has submitted have persuaded the Council to take any of the actions that he requests.

- Some general reminders to Technical Committee members going forward. Committee members should disclose their relevant business or other interests, not merely to ensure their correct interest classification by the Council for committee balance purposes, but also to assist the Technical Committee in weighing and evaluating the members’ positions and points of view. Participants, therefore, should try to inform the Committee of business or other interests, not already evident, that may be relevant to assessing their advocacy on particular issues before the committee, and should be responsive to reasonable inquiries about their relevant interests and associations. And as a further reminder, Committee Chairs, like other members of a Committee, may have business interests and are categorized for committee balance according to those interests. In the performance of their duties as Chair, however, the Chair should disclose all known or potential interests or other circumstances that could influence their impartiality on a particular matter and should not preside on that matter. If there is any question as to their ability serve as chair on any issue, or if a Chair wishes to assert a position during the discussion of that issue, he or she should relinquish the chair for purposes of that discussion, in accordance with Section 3.4 of the Guide for the Conduct of Participants in the NFPA Standards Development Process. This Guide, moreover, should be consulted by all Committee members and chairs for a fuller understanding of the guidance discussed here as well as for other guidelines relating to the conduct of standards development participants.

- The Council’s role with respect the processing of the next edition of NFPA 72 does not end with this appeal. While the Council is generally reluctant to intervene in the standards development process prior to its completion, issues can be raised, as appropriate, through appeals to the Council at any time. See Regulations Governing the Development of NFPA Standards at 1.6.1. More importantly, the Council generally considers properly filed appeals at the end of the process when a new or revised standard is presented to it for issuance. If Mr. Bonifas is not satisfied with the
outcome of the process, and believes he has grounds to complain, he may appeal at that time. Of course, in order to ensure that any appeal receives full consideration, he should submit relevant Public Comments and he should notice and present appropriate Amending Motions at the Technical Meeting at which the standard is presented to the NFPA membership.

Finally, returning to the application of Mr. Rauter, the Council emphasizes that its action to hold the application is not based on this appeal and bears no negative implications concerning Mr. Rauter. The Council’s has broad discretion in determining the appropriate makeup and membership of NFPA Technical Committees. The Council’s exercise of this discretion requires a balancing of many factors, including the size and balance of the Technical Committee as a whole as well as other factors unrelated to the personal or professional qualifications of any individual member or applicant. The Council’s membership decisions, therefore, should not be viewed as individual assessments of the many fine members and applicants that it must review each year.

Council Member James Golinveaux recused himself during the deliberation and vote on this issue.