16 October 2013

To: Interested Parties

Subject:

<table>
<thead>
<tr>
<th>Standards Council Decision (Final):</th>
<th>D#13-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards Council Agenda Item:</td>
<td>SC#13-8-3-g-1, g-2 and g-3</td>
</tr>
<tr>
<td>Date of Decision:</td>
<td>31 July 2013</td>
</tr>
</tbody>
</table>

NFPA 70®, National Electrical Code®, 2014 Edition

Dear Interested Parties:

At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal on the above referenced matter. On August 1, 2013, NFPA issued the Council’s decision on the appeal in the form of a “Short” decision which briefly stated the outcome of the appeal and which indicated that a full Final decision on the appeal would be issued in due course and sent to all interested parties as soon as it became available.

The Council’s Final decision is now available and is attached herewith.

Sincerely,

Christian Dubay, P.E.
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, M. Earley, W. Burke, J. Hart, R. Bielen
   Members, NEC Code-Making Panel 12 (NEC-P12)
   Members, NEC Correlating Committee (NEC-AAC)
   Members, TC on Electronic Computer Systems (ELT-AAA)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council considered three related appeals, and voted to uphold the appeal to Accept Proposal 12-129 and Comment 12-60 [Certified Amending Motion (CAM) 70-21].

DECISION:

At its meeting of July 29 – July 31 2013, the Standards Council considered three appeals concerning requirements in the proposed 2014 edition of NFPA 70®, National Electrical Code® (NEC). The appeals relate to the shutdown of ventilation systems for information technology equipment rooms upon detection of fire or products of combustion.

The main appeal, from Thomas Wysocki of Guardian Services, Inc. seeks the acceptance of Proposal 12-129 and Comment 12-60 for the 2014 edition of the NEC. Acceptance of Proposal 12-129 would delete the following text in Section 645.5(E)(4) which is an existing requirement from the 2011 edition of the NEC:

The ventilation system shall be so arranged, with approved smoke detection devices, that upon the detection of fire or products of combustion in the underfloor space, the circulation of air will cease.

This requirement, will, for convenience, be referred to in this decision as the “air circulation requirement.” Acceptance of Comment 12-60 would delete the following proposed new exception to Section 645.4(2):

Exception: Where information technology equipment is installed in a critical operations data system in compliance with 645.10(B), a procedure shall be permitted that controls the cessation of the air circulation within the room or zone.

This exception will, for convenience, be called the “air circulation exception” or just the “exception.” It is the deletion of the air circulation provision and the exception that is sought by the Wysocki appeal.

Two related appeals were also filed, one from Stephen W. McCluer of Schneider Electric Information Technology, and one from Stanley Kaufman, of CableSafe, Inc. Mr. McCluer supported the Wysocki appeal but, in the event that the appeal was denied, he requested as an alternative, the acceptance of Code-Making Panel 12’s (CMP-12) Action; to Accept in Principal Proposal 12-114 (i.e., the air circulation exception). Mr. Kaufman
opposed the Wysocki appeal and instead sought acceptance of Proposal 12-114, as originally submitted.

The technical issues underlying these appeals concerns whether or under what circumstances air circulation in information technology equipment rooms should be automatically cut off upon the detection of fire or smoke. More important to this appeal, however, is the question whether these issues are within the jurisdictional scope of the NEC or of NFPA 75.

The background of these appeals is as follows. In 2012, The Technical Committee on Electronic Computer Systems (the NFPA 75 Committee), the committee responsible for NFPA 75, Standard for the Fire Protection of Information Technology Equipment, processed a Tentative Interim Amendment to the 2009 edition of NFPA 75 which removed a ventilation requirement, identical to the NEC air circulation requirement, that had ventilation systems in information technology equipment rooms be arranged so as to automatically cut off the circulation of air upon the detection of fire or smoke.

In order to correlate this action with the NEC, the NFPA 75 Committee submitted Proposal 12-129 to CMP-12 to remove the air circulation requirement from the NEC. CMP-12 rejected this proposal. At the same time, CMP-12, through accepting in principle Proposal 12-114, added the air circulation exception. Efforts during the Comment stage to reverse these two actions (i.e., delete the air circulation requirement and exception) were rejected by CMP-12 (See Comments 12-60 and 12-61).

Subsequently, at the 2013 Association Technical Meeting, an Amending Motion was made to accept Proposal 12-129 and Comment 12-60 (CAM 70-21). This motion, which sought to delete the air circulation requirement and exception, passed the vote of the NFPA membership. The resulting amendment also passed the ballot of the NEC Technical Correlating Committee, but it failed the ballot of CMP-12. Where an amendment fails to pass the ballot of both of the responsible committees, the result recommended to the Council, by operation of NFPA rules, is that no revision should go forward and that any previous edition text should stand. See Regulations Governing Committee Projects (Regs) at 4.7.1(c). In this case that would mean that the air circulation requirement (but not the exception) would remain in the 2014 edition of the NEC.

Each of the three appeals requests the Council to reject, in some respect, the results 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. In this case, the Council has found such a basis in its authority to assign jurisdictional scopes among NFPA Committees so as to maximize coordination and avoid overlap and conflict among NFPA Standards. Specifically, after review of the record and consideration of all the arguments, the Council has voted to uphold the appeal of Mr. Wysocki to accept Proposal 12-129 and Comment 12-60. Accordingly, the 2014 edition of the NEC will be issued without the air circulation requirement or the exception. To the extent that the McClure and Kaufman appeals oppose Wysocki’s appeal or request alternative action, they are denied.
The assignment of jurisdictional scopes among Committees is the direct responsibility of the Standards Council. See, generally, Regs at Section 3.1. The Council is reluctant, even as to jurisdictional scope issues, to reject the result arrived at during the revision process. In this case, however, the Council believes it is appropriate to act. In the view of the Council, the distinction between performance requirements belonging to NFPA 75 and installation requirements belonging to the NEC is reasonably clear, and that requirements such as the aforementioned air circulation and exception are performance based, and properly reside within the jurisdiction of NFPA 75. Removing these requirements from the NEC avoids a conflict with NFPA 75. Moreover, the intercommittee coordination between the NEC and other Technical Committees, including the NFPA 75 Committee, is an important activity, and the Council, in recent years, has worked to clarify the scopes and responsibilities of the relevant committees. See Standards Council Decision Number D#07-6 (Standards Council Agenda Item #07-7-5-1, July 27, 2007); Standards Council Minute Item SC #10-3-21 (March 3, 2010); Standards Council Decision Number D#11-7 (Standards Council Agenda Item #11-8-6-a and 11-8-6-c, August 10, 2011). As to NFPA 75, in particular, see Standards Council Minute Item 89-50, April 1991 (determining that the jurisdiction of combustibles in the raised floor areas of computer rooms was within the scope of the NFPA 75 Committee). The Council believes it is important, in this instance, to clarify and implement the guidance expressed in those decisions.

Council Member Jim Pauley recused himself during the hearing, deliberation and vote on this issue.