18 October 2013

To: Interested Parties

Subject: Standards Council Decision (Final): D#13-7

Standards Council Agenda Item: SC#13-8-3-m

Date of Decision: 31 July 2013

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, S. Bershad, G. Colonna
Members, NEC Code-Making Panel 14 (NEC-P14)
Members, NEC Correlating Committee (NEC-AAC)
Members, TC on Electrical Equipment in Chemical Atmospheres (EEC-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 voted to deny the appeal to 1) issue the 2014 edition of NFPA 70\textsuperscript{®}, National Electrical Code\textsuperscript{®} (NEC) without proposed new Section 506.6 Material Groups, and 2) place NFPA 499, Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas, into a new revision cycle to address the establishment of Zone Material Dust Groups.

DECISION:
At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal from David Wechsler representing the American Chemistry Council. The appeal is twofold, and requests: 1) that the 2014 edition of NFPA 70\textsuperscript{®}, National Electrical Code\textsuperscript{®} (NEC) be issued without proposed new Section 506.6 Material Groups; and 2) that NFPA 499, Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas be placed into a new revision cycle to address the establishment of zone material dust groups.

As background, Code-Making Panel 14 (CMP-14) accepted Committee Proposal 14-200a to add new Section 506.6, Dust Groups, to address the inclusion of zone material dust groups in the NEC. Public Comment 14-56 sought to delete new Section 506.6 and was rejected by CMP-14. Subsequently, Certified Amending Motion (CAM 70-36) was made at the 2013 Association Technical Meeting. The motion sought to Accept an Identifiable Part of Comment 14-56 to delete portions of the text accepted in Proposal 14-200a. The motion was defeated, and, therefore, the new Section 506.6 to address the inclusion of zone material dust groups as proposed in Proposal 14-200a stands as the final result of the standards development process. This result represents the consensus judgment of both the responsible Code-Making Panel and NEC Correlating Committee, a judgment that was also supported by the vote of the NFPA membership.

As the Council understands it, the appeal argues that at least in part, material contained in the new Section 506.6 was outside the jurisdiction of the NEC and was instead the responsibility of the Technical Committee responsible for NFPA 499, that is, the Technical Committee on Electrical Equipment in Chemical Atmospheres (the EECA Committee). The appeal requests, therefore, that the Council delete the proposed new Section 506.6 from the 2014 NEC and that the Council place NFPA 499 into a new revision cycle that would allow sufficient time for the EECA to address zone material dust groups within NFPA 499.
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. After reviewing the entire record and considering of all the arguments put forth in this appeal, the Council has found no basis on which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal and issue the 2014 edition of the NEC with the new Section 506.6 as accepted in Proposal 14-200a. Consistent with this conclusion, the Council has also declined to place NFPA 499 into a new revision cycle.

In denying the appeal, the Council notes that the NEC has operated within the guidelines outlined by previous Standards Council Decision Number 95-15 (Standards Council Agenda Item #95-6, April 1995). This Decision sets forth the jurisdictional responsibilities for the group classifications of materials used for electrical equipment in hazardous locations. In that decision, the Council assigned jurisdiction between the NEC and the EECA Committee as follows:

The National Electrical Code® has the authority to establish classifications, divisions, and group structure. The Technical Committee on Electrical Equipment in Chemical Atmospheres (TC) has the authority to classify chemical hazards into the appropriate Groups, including the criteria providing the basis for group structure such as test methods for determining the chemical atmospheres.

To be clear, this decision expressed the Council’s intention to assign to the NEC jurisdiction for establishing and defining the group structure of materials relating to requirements for electrical equipment in hazardous locations. The establishment and definition of material groups in the new Section 506.6 is clearly within that jurisdiction. As Decision Number 95-15 indicates, the EECA Committee plays its role by providing guidance on matters such as test methods for determining chemical atmospheres to those groups. The EECA Committee can also, as it does currently, identify specific chemicals and place them with the appropriate NEC group classification. See, e.g., NFPA 499, section 5.2.2 and Table 5.2.2 (listing specific combustible dusts by chemical name and NEC group). See, also, the EECA Committee scope, which includes “developing data on the properties of chemicals enabling proper selection of electrical equipment for use in hazardous location.” It appears, in any event, that the role and jurisdiction of the EECA Committee is well understood, and no representative of the EECA Committee has objected to the actions of CMP-14 or indicated that the new NEC treatment of area zone material dust groups conflicts with its responsibilities. Nor has the EECA Committee indicated that the next scheduled revision cycle, the Annual 2016 revision cycle, does not allow sufficient opportunity to consider revisions to NFPA 499 in light of the new Section 506.6 material groups or of any other provisions of the 2014 NEC. Should the EECA Committee wish to change the revision cycle for its standard, the Council, would, of course, consider a request from the EECA Committee to do so.