9 October 2013

To: Interested Parties

Subject: Standards Council Decision (Final): D#13-5
Standards Council Agenda Item: SC#13-8-3-o
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, J. Hart, R. Bielen
Members, NEC Code-Making Panel 15 (NEC-P15)
Members, NEC Correlating Committee (NEC-AAC)
Members, TC on Electrical Systems (HEA-ELS)
Members, CC on Health Care Facilities (HEA-AAC)
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 uphold the appeal and Reject Proposal 15-64.

DECISION:
At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal from Walt Vernon from Mazzetti Engineers. The appeal requests that the 2014 edition of NFPA 70®, National Electrical Code® (NEC®) be issued with the rejection of Proposal 15-64. Specifically, the appeal seeks to delete a proposed new requirement in Section 517.30(E) which calls for certain receptacles to have a means to indicate power is being supplied to the receptacle. The proposed receptacle indicator requirement reads as follows:

….Non-locking-type, 125-volt, 15- and 20-ampere receptacles shall have an illuminated face or an indicator light to indicate that there is power to the receptacle.

As background, Code-Making Panel 15 (NEC Panel 15) accepted Proposal 15-64. No related Public Comment was submitted, and Panel 15 did not change or revise its action on Proposal 15-64 during the Comment Stage. No Amending Motion seeking the rejection of Proposal 15-64 could, therefore, be pursued at the 2013 Association Technical Meeting. This means, under NFPA rules, that the recommendation that comes to the Council is to include the receptacle indicator requirement of Proposal 15-64 in the new edition of the NEC.

The appeal requests that the Standards Council overturn the recommendation of the standards development process on the grounds that receptacle indicator requirement of Proposal 15-64 is a performance requirement for healthcare facilities, which is properly within the jurisdiction of NFPA 99, Healthcare Facilities Code, not the NEC.

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. Accordingly the Council has voted to uphold the appeal and issue the new edition of the NEC without the receptacle indicator requirement of Proposal 15-64.

The assignment of jurisdictional scopes among Committees is the direct responsibility of the Standards Council. See, generally, Regulations Governing Committee Projects
(Regs) at Section 3.1. The Council is reluctant, even with 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. The Council believes that the distinction between performance requirements belonging to NFPA 99 and installation requirements belonging to the NEC is reasonably clear, and that the receptacle indicator requirement is a performance requirement properly within the jurisdiction of NFPA 99. Moreover, the inter-committee coordination between the NEC and other technical committees, including the NFPA 99 Correlating Committee and Technical Committee on Electrical Systems, is an important issue, 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-l, July 27, 2007); Standards Council Minute Item SC #10-3-21, March 3, 2010; Standards Council Decision Number D#11-7 (Standards Council Agenda Items #11-8-6-a and #11-8-6-c, August 10, 2011). The Council believes it is important to clarify and implement the guidance expressed in those decisions.

The Council recognizes that the NEC Committees have been diligent in its efforts to implement the Council’s decisions regarding jurisdiction. For healthcare-related requirements, the NEC Correlating Committee has set up an intercommittee coordination task group that has already successfully addressed correlation issues with collaboration and input from members of NFPA 99 Committees and from NEC Panel 15. It is regrettable that the situation in this case, through an oversight of the NFPA 99 Committees, was not adequately brought to the attention of the intercommittee task group or NEC Panel 15 so that resolution could have been achieved during the revision process. The Council stresses that the coordination and harmonization among NFPA standards, in accordance with the jurisdictional scopes assigned by the Council, is an important responsibility of NFPA Committees, and, in addition to participating on the intercommittee task group, the membership of the NFPA 99 Committees should, as appropriate, set forth their positions with respect to jurisdictional issues that arise within the NEC through the submission of Public Input and Public Comments on the NEC.