



Amy Beasley Spencer
Secretary, Standards Council

11 March 2009

To: Interested Parties

Subject:

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| Standards Council Decision (Final): | D#09-1 |
| Standards Council Agenda Item: | SC #09-03-5 |
| Date of Decision*: | 4 March 2009 |
| TIA (No. 936) on NFPA 70, <i>National Electrical Code</i> [®] , 2008 edition | |

Dear Interested Parties:

At its meeting of 4 March 2009, the Standards Council considered an appeal on the above referenced matter.

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

Sincerely,

A handwritten signature in black ink that reads "Amy B. Spencer".

Amy Beasley Spencer
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, M. Earley, L. Fuller, J. O'Connor
Members, NEC Code-Making Panel 17 (NEC-P17)
Members, TCC on National Electrical Code (NEC-AAC)
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. 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.



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At its meeting of 04 March 2009, the Standards Council considered an appeal from Wayne Robinson, Lothian, MD requesting that the Council issue proposed Tentative Interim Amendment (TIA) No. 936 on the 2008 edition of NFPA 70, *National Electrical Code*[®]. The proposed TIA seeks to modify 680.26(B)(1) and 680.26(B)(2) which address bonding of the perimeter surfaces of a permanently installed pool. If issued, the TIA would require a copper equipotential bonding grid rather than a single wire copper conductor along the pool perimeter.

As background, the material that is the subject of the TIA was originally added to the 2008 edition of the NEC in the Annual 2007 cycle in Proposal 17-114a and revised in Comment 17-92. In the current revision cycle, Annual 2010, the material that is the subject of the TIA was submitted by the TIA proponent to Code-Making Panel 17 (Panel 17) as Proposals 17-173 and 17-179. The proposals are currently undergoing the ballot process and the results will be reported in the NEC Annual 2010 Report on Proposals (ROP).

Proposed TIA 936 was balloted through Panel 17 and the NEC Technical Correlating Committee (TCC). Balloting was completed in accordance with the Regulations Governing Committee Projects to determine if it had the necessary three-fourths majority support of the Panel and TCC on merit (technical and correlation, respectively) and emergency nature to establish a recommendation for issuance. The ballot failed to achieve the necessary support of both Panel 17 and the TCC on both technical/correlation merit and emergency nature for issuance of proposed TIA 936. Nine public comments on the proposed TIA were received. Where the ballot does not pass both the Panel and TCC on merit and emergency nature, the default recommendation to the Council is to not issue the TIA.

The appeal requests that the Council overturn the action recommended by the NFPA codes and standards development process and issue the TIA. On an appeal, the Standards Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through 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 of the arguments raised 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 recommended by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal and not issue TIA 936.

As noted above, the revisions proposed by the TIA have already been submitted for consideration as proposals during the full NEC revision cycle that is now under way. Therefore, the appellant or others may continue to advocate their positions through this process including, as they deem appropriate, the eventual filing of Public Comments. In doing so, they are urged to provide full technical substantiation of their positions to the responsible panel and TCC. The Council noted that the NEC will publish its ROP by July 14, 2009. The deadline for the submission of Public Comments is October 23, 2009.