

FINAL MINUTES
STANDARDS COUNCIL MEETING
March 3-4, 2009
Doubletree Surfcomber Hotel
Miami Beach, Florida

Members Present

Jim Pauley, Chair
Kerry M. Bell
James W. Carpenter
Shane M. Clary
Ronald R. Farr
Ralph D. Gerdes
J.C. Harrington

Roland J. Huggins
Joseph M. Jardin
Fred M. Leber
Danny L. McDaniel
James A. Milke
Michael T. Newman

Also Present

Amy Beasley Spencer, Secretary
Linda Fuller, Recording Secretary
Maureen Brodoff, Vice President and Legal Counsel
Paul Crossman, Vice President, Marketing and Sales
Chris Dubay, Vice President and Chief Engineer

- 09-3-1** The NFPA staff conducted a review of the role of Standards Council Members in carrying out their responsibilities. The review also serves as an orientation for new Council members. The Council also heard a report from the Vice President for Marketing and Sales.
- 09-3-2** The Council voted not to issue a proposed Tentative Interim Amendment (TIA) to 9.3.5.9.1 of the 2007 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems* (TIA No. 932). The proposed TIA failed to achieve the required support of the Technical Committee (TC) and the Technical Correlating Committee (TCC) on both merit and emergency nature. No public comments were received and no appeals were filed.
- This proposed TIA was initially considered by the Council at its October 2008 meeting, but action was deferred pending a re-ballot of the TC and TCC. (See Council Minute Item 08-10-6).
- 09-3-3** The Council voted not to issue a proposed Tentative Interim Amendment (TIA) to 6.8.1.1 of the 2008 edition of NFPA 58, *Liquefied Petroleum Gas Code* (TIA No. 939). The proposed TIA failed to achieve the required support of the Technical Committee on both emergency nature and technical merit. One public comment was received and no appeals were filed.
- 09-3-4** The Council voted to not issue a proposed Tentative Interim Amendment (TIA) to 5.3.3.6 of the 2009 edition of NFPA 59A, *Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)*, (TIA No. 944). The proposed TIA failed to achieve the required support of the Technical Committee and the Technical Correlating Committee on both merit and emergency nature. No public comments were received and no appeals were filed.

09-3-5 D#09-1 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 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.

09-3-6 D#09-2 At its meeting of 04 March 2009, the Standards Council considered an appeal from Jeff Buss, Sure Signal Products, Inc., requesting that the Council issue proposed Tentative Interim Amendment No. 946 on the 2007 edition of NFPA 72, *National Fire Alarm Code*[®]. The proposed TIA seeks to add a new Section 11.3.5.3 which would grant an exception from the requirement for the production of the standard audible emergency evacuation signal (a 3-pulse temporal pattern evacuation signal) for fire warning equipment powered solely by a spring-wound mechanism.

As background, proposed TIA 946 was balloted through the Technical Committee on Single and Multiple-Station Alarms and Household Fire Alarm Systems, and the Technical Correlating Committee on Signaling Systems for the Protection of Life and Property. Balloting was completed in accordance with the Regulations Governing Committee Projects to establish a recommendation for issuance. This recommendation is based upon achieving the necessary three-fourths majority support of the TC and TCC on merit (technical and correlation, respectively) and emergency nature for issuance of proposed TIA 946.

The ballot achieved the necessary support of the TC on both technical merit and emergency nature, but failed the TCC ballot with respect to correlation merit and emergency nature. No public comments on the proposed TIA were received. Where the ballot does not pass both the TC 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 946.

Without attempting to review each argument that the Council has considered and rejected as part of this appeal, the Council makes the following general observations. In stating these observations, the Council is expressing no final view on the technical or correlation issues going forward. The Council notes, however, that issues were raised in the record before the Council concerning the overbreadth of the TIA in that, by its terms, it applied the proposed exemption, not just to home heat alarms, but to any spring-wound fire warning equipment. It appears that the proponent of the TIA may not have intended the TIA to apply so broadly, and in considering further action, the proponent may wish to consider addressing these overbreadth issues. Secondly, the proponent may also wish to consider the apparent correlation concerns expressed in some of the TCC ballot statements that this device is used to indicate the need to escape; some expressed that the 3-pulse temporal pattern emergency evacuation signal should be required as a uniform evacuation signal throughout the document.

Finally, in the appeal, the proponent noted that the TIA was submitted as a result of changes to UL's governing document for mechanical heat alarms, UL 539, *Standard for Single and Multiple-Station Heat Alarms*. The proponent noted that UL 539 was being changed to incorporate the requirement for a 3-pulse temporal pattern evacuation signal to be consistent with NFPA 72. The Council noted that the currently published effective date for the modification of UL 539 is January 30, 2013. With this effective date in mind, the Council encourages all interested parties to work within the normal revision process of NFPA 72 to propose, as they deem appropriate, revisions to NFPA 72 that will address their concerns. It is anticipated that NFPA 72 will be entered into the Annual 2012 revision cycle.

09-3-7 The Council voted to issue a proposed Tentative Interim Amendment (TIA) to 8.2.9 of the 2007 edition of NFPA 86, *Standard for Ovens and Furnaces*, (TIA No. 940). The proposed TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature. No public comments were received and no appeals were filed.

09-3-8 The Council voted to issue a proposed Tentative Interim Amendment (TIA) to 10.2 of the 2000 and 2009 editions of the NFPA 101[®], *Life Safety Code*[®], (TIA No. 943). The proposed TIAs achieved the necessary support of the Technical Correlating Committee and the Technical Committee on both merit and emergency nature. No public comments were received and no appeals were filed.

According to the NFPA *Regulations Governing Committee Projects (Regs.)* in Section 5.8, TIAs shall apply only to the document existing at the time of issuance and, in some circumstances, to the next edition. However the *Regs.*, in Section 5.10 gives the Council flexibility to make an exception where circumstances warrant.

The Council has been informed that, as a practical matter, the health care occupancies to which the TIA is intended to apply are governed, through U.S. federal regulatory adoption, by the 2000 edition of the *Life Safety Code*[®]. The text to which the TIA applies is essentially identical in both the 2000 and the 2009 editions. Because of the continuing and broad federal regulatory use of the 2000 edition of NFPA 101[®], the Council has voted to exercise its authority under Section 5.10 of the *Regs.*, as it has on previous occasions (see SC Minute Item 4-4-17, April 15-16, 2004) to issue the TIA No. 943 to the 2000 edition as well as the 2009 edition of NFPA 101.

09-3-9 The Council voted not to issue a proposed Tentative Interim Amendment (TIA) to 8.4.1 of the 2007 and proposed 2010 edition of NFPA 130, *Standard for Fixed Guideway Transit and Passenger Rail Systems*, (TIA No. 942). The proposed TIA failed to achieve the required support of the Technical Committee on both emergency nature and technical merit. No public comments were received and no appeals were filed.

09-3-10 The Council voted to issue a proposed Tentative Interim Amendment (TIA) to Chapters 7 and 8 of the 2007 edition of NFPA 1994, *Standard on Protective Ensembles for First Responders to CBRN Terrorism Incidents*, (TIA No. 945). The proposed TIA achieved the necessary support of the Technical Committee and the Technical Correlating Committee. No public comments were received and no appeals were filed.

09-3-11 The Council voted not to issue a proposed Tentative Interim Amendment (TIA) to Chapters 3, 6, 7 and 8 of the 2007 edition of NFPA 1971, *Standard on Protective Ensembles for Structural Firefighting and Proximity Fire Fighting*, (TIA No. 937). The proposed TIA failed to achieve the required support of the Technical Committee and the Technical Correlating Committee on both merit and emergency nature. No public comments were received and no appeals were filed.

09-3-12 The Council reviewed correspondence from the Technical Committee (TC) on Fire Protection for Nuclear Facilities on the status of the assignment of the TC to initiate work on a new NFPA Standard to address fire protection requirements for new reactor designs not within the scope of existing NFPA standards. The Council recognizes that, as discussed in the correspondence, the TC has changed the direction of the document to respond to the needs of the industry, and the Council has no difficulty with the TC proceeding with the processing of the document as described by the TC.

09-3-13 At the October 2008 meeting, the Council deferred action on the request of the Technical Committee on Forest and Rural Fire Protection for approval of a proposed new document on Gels Used in Wildland and Structural Fire Fighting to provide additional time for public input from those affected by the proposed standard. The Council has received further information, and after review of all of the information before, it has voted not to approve the development of a document.

In making this decision, the Council notes that while an application standard might be appropriate, there doesn't appear to be a technical basis or technical documentation on the performance of gels. Until such time as a product standard is developed that addresses the fire performance characteristics of the gel agents, appropriate test methods, and independent third party evaluation and approval of the agents, the Council believes that standards activity around the application of such agents is premature. Additionally, the Council has voted that the development of the product standard should not be undertaken by NFPA.

09-3-14 At the October 2008 meeting, the Council deferred action on the request of the Technical Committee (TC) on Special Operations Protective Clothing and Equipment to develop a new document on Contaminated Water Operations Protective Clothing and Equipment. The Council wanted to provide additional time for public input from those affected by the proposed standard. The Council has received further public comments in favor of the development, and after review of all of the information before it, has voted to proceed with the development of a document.

The Council is directing the TC to review its membership and make any membership recommendations necessary to assure that the TC has appropriate contaminated water expertise. Once the Council has reviewed and acted on any recommendations, and has indicated that the TC is appropriately constituted to begin processing the new standard, the TC can develop and ballot the draft document (see *Regs. 4.3.1.1*), then make a request to the Council to enter an appropriate revision cycle. (see *Regs. 4.2.3*)

09-3-15 At the October 2008 meeting, the Council deferred action on the request of the Technical Committee (TC) on Special Operations Protective Clothing and Equipment to develop a new document on Selection, Care, and Maintenance of Protective Ensembles for Technical Rescue Incidents. The Council wanted to provide additional time for public input from those affected by the proposed standard. The Council has received further public comments in favor of the development, and after review of all of the information before it, has voted to approve the development of a document. Once the TC has developed and balloted the draft document (see *Regs. 4.3.1.1*), the TC can then make a request to the Council to enter an appropriate revision cycle. (see *Regs. 4.2.3*)

09-3-16 At the October 2008 meeting, the Council deferred action on the request of the Technical Committee (TC) on Special Operations Protective Clothing and Equipment to develop a new document on Selection, Care, and Maintenance of Life Safety Rope. The Council wanted to provide additional time for public input from those affected by the proposed standard. The Council has received further public comments in favor of the development, and after review of all of the information before it, has voted to approve the development of a document. Once the TC has developed and balloted the draft document (see *Regs. 4.3.1.1*), the TC can then make a request to the Council to enter an appropriate revision cycle. (see *Regs. 4.2.3*)

- 09-3-17** At the October 2007 the Council voted to proceed with the request of C. Anaya, El Dorado Hills, CA that NFPA develop a new document on Respiratory Standards for Wildland Fire Fighting. The Council requested that the Technical Correlating Committee (TCC) on Fire and Emergency Service Protective Clothing and Equipment clarify whether this topic would be assigned to an existing Technical Committee (TC) under the Project or if a new TC is being contemplated. Regardless of whether the new document will be developed by a new TC or an existing TC, the Council wanted to ensure that adequate wildland expertise will be represented on the TC assigned this new responsibility.

The TCC has assigned the development of this document to the TC on Respiratory Protection Equipment. The Council is directing the TC to review its membership and make any membership recommendations necessary to assure that the TC has appropriate wildland fire fighting expertise. Once the Council has reviewed and acted on any recommendations, and has indicated that the TC is appropriately constituted to begin processing the new standard, the TC can develop and ballot the draft document (see *Regs. 4.3.1.1*), then make a request to the Council to enter an appropriate revision cycle. (see *Regs. 4.2.3*)

The Council notes that in the record (SC Agenda Item 09-3-17) it appears that a draft document had been created and balloted. It is not appropriate for a TC to develop a draft and ballot it before the Council has approved the document.

- 09-3-18** It was voted to issue a revised scope for the Technical Committee on Data Exchange. The revised scope is as follows:

SCOPE: This Committee shall have primary responsibility for documents that establish frameworks to 1) provide for the identification, development, management, and exchange of essential data; and 2) enhance an inter-operable geospatial data environment for fire and emergency services. This includes documents that establish criteria for and promote the exchange and use of data in common formats critical to the support for decision making in all phases of administration, planning, prevention, preparedness, mitigation, response, and recovery.

- 09-3-19** It was voted to issue the request of the Technical Committee (TC) on Electrical Equipment in Chemical Atmospheres for a cycle change for NFPA 497, *Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas* from the Fall 2012 revision cycle to Fall 2011 revision cycle and a permanent revision cycle of 4 years. The TC has also requested NFPA 499, *Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas* be moved from the Fall 2012 revision cycle to Fall 2011 revision cycle and a permanent revision cycle of 4 years.

- 09-3-20** It was voted to issue the request of the Technical Committee on Pyrotechnics for a cycle change for NFPA 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles* from the Annual 2010 revision cycle to Annual 2011 revision cycle.

- 09-3-21** The Council considered the Membership Task Group's recommendations on pending applications for Technical Committee Membership and took appropriate action on each.

Changes in Technical Committee membership by the Council can be found in Minutes Attachment 09-3-21a.

09-3-22 Due to a clerical error no 09-3-22 appeared in the agenda.

09-3-22-b It was voted to issue a proposed start-up roster (see Minutes Attachment 09-3-22b) and scope for the new Technical Committee on Ambulances. The approved scopes are as follows:

SCOPE: This Committee shall have primary responsibility for documents on the design and performance of ambulances used to provide patient care and transport under emergency conditions.

1.1 Scope

1.1.1 This standard defines the requirements for new automotive ambulances designed to be used under emergency conditions to provide medical treatment and transportation of sick or injured people to appropriate medical facilities.

1.1.2 This standard does not cover vehicles used solely to transport emergency medical care personnel that do not have patient transport capability, aircraft, or water craft used for patient transport under emergency conditions, or mobile patient care vehicles that do not provide patient transport under emergency conditions.

09-3-22-c It was voted to issue a proposed start-up roster (see Minutes Attachment 09-3-22c) for the new Technical Committee on Confined Space Safe Work Practices.

09-3-22-d The Council reviewed the interest classifications of American Fire Sprinkler Association and the National Fire Sprinkler Association's Technical Committee Members and voted to reclassify some of the members to their appropriate interest categories.

09-3-22-e The Council received a request for further reconsideration from the National Electrical Fuse Association (NEFA) regarding various NEFA applications for Technical Committee (TC) membership. The applications were originally considered at the July Council Meeting, with an appeal at the October, 2008 Council Meeting. After further reconsideration of the NEFA TC membership applications, the Council reaffirms its previous decisions. Standards Council Chair Jim Pauley recused himself from the deliberation and vote on this issue.

09-3-23 The Council heard a Report of the Awards Task Group which included a recommendation for a recipient of the Standards Medal, ten Committee Service Awards, and two Special Achievement Awards.

09-3-24 The Council heard a Report of the Policy and Procedures Task Group.

09-3-25 The Council heard a Report of the Recording Secretary on the status of the October 28, 2008 minutes, which were approved with one editorial correction.

09-3-26 The Council approved the dates and places of upcoming meetings, as follows:

August 3 (noon Task Groups)
Full Council August 4-6, 2009

Quincy, MA

October 27 (noon Task Groups)
Full Council October 28, 2009

San Francisco, CA

March 1 (noon Task Groups)
Full Council March 2-3, 2010

San Juan, Puerto Rico

- 09-3-27** As a result of a change to Section 4.8 of the *Regs.*, the Council reviewed the Council meeting dates submitted as part of the schedules for Annual 2010 through Fall 2012 Revision Cycles and requested that NFPA Staff review the dates and resubmit their recommendations to the Council.
- 09-3-28** The Council received a report, from the Southwest Research Institute on “Fire Performance Evaluation of Consumer Fireworks Retail Sales Display Incorporating Various Fire Risk Mitigation”. No action necessary on the part of the Council (see SC Minute Item 07-10-35, SC Meeting of October 4, 2007, Minute Item 08-1-8, SC Meeting of January 10, 2008.)
- 09-3-29** The Council heard a Report of the Vice President and Chief Engineer. The items discussed included the results of the NFPA’s Codes and Standards Mapping Project, which is a review of internal and external steps in the NFPA Codes and Standards development and production process.
- 09-3-30** The Council voted to issue the request of the Technical Committee on Liquefied Fuel Burning Equipment for a revision cycle change for NFPA 31, *Standard for the Installation of Oil-Burning Equipment*, from the Fall 2009 revision cycle to the Fall 2010 revision cycle.
- 09-3-31** The Council voted to issue the request of the Technical Committee on Manufacture of Organic Coatings for a revision cycle change for NFPA 35, *Standard for the Manufacture of Organic Coatings*, from the Fall 2009 revision cycle to the Fall 2010 revision cycle.
- 09-3-32** The Council heard a report from the Glossary of Terms Technical Advisory Committee.
- 09-3-33** The Council voted to deny the request of the Technical Committee (TC) on Fire Doors and Windows to establish a set of requirements covering the installation, inspection, and maintenance of fire stop systems. The Council notes that this issue is in multiple document scopes and the requirement of inspection and maintenance remains the purview of multiple committees (i.e., NFPA 1, NFPA 221, NFPA 101, and NFPA 5000). It is the decision of these TCs whether they choose to expand their coverage of fire stop systems.
- 09-3-34** The Council voted to issue the request of the Technical Committee on Flammable and Combustible Liquids for a revision cycle change for NFPA 30, *Flammable and Combustible Liquids Code*; as well as a request from the Technical Committee on Automotive Marine Service Stations, for a revision cycle change for NFPA 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, from the Annual 2010 revision cycle to the Annual 2011 revision cycle.

Respectfully submitted,



Linda Fuller
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NFPA Standards Council