

NFPA Standards Council Meeting
Preliminary Hearings/Appeals Schedule

DOUBLETREE SURFCOMBER HOTEL
1717 Collins Avenue
Miami, Florida 33139

Tuesday, March 3, 2009 ORIGINAL

ITEM ONE:

1:00 - Agenda Item Number: 09-3-6-d

Appellant: J. Buss, Sure Signal Products

Appeal: TIA No. 946, NFPA, 72-2007 Edition

Document (& Section): NFPA 72, 11.3.5.3

ITEM TWO:

1:30 - Agenda Item Number: 09-3-5-d

Appellant: W. Robinson, Prince George's County Govt.

Appeal: Issue TIA No. 936, NFPA 70-2008 Edition

Document (& Section): NFPA 70, 680.25

PROCEEDINGS HELD BEFORE THE STANDARDS COUNCIL MEMBERS

1 (Thereupon, the following proceedings were had:)

2 MR. PAULEY: Welcome everyone to the first
3 hearing that we have for NFPA Standards Council.
4 For the record, we are working on agenda item
5 09-3-6-d, which is TIA Number 946, for NFPA 72.
6 I'm Jim Pauley, Chairman of the Standards Council.
7 In a moment, I'm going to ask the members of
8 council, staff, and everyone to introduce
9 themselves for the record.

10 I would like to remind everyone that during
11 these hearings, as you speak, please indicate your
12 name before you speak, so that our stenotypist will
13 be able to make sure that they attribute those
14 comments to the appropriate person out of this. So
15 let's go ahead with the introductions. As I said
16 I'm Jim Pauley, Chairman of the Council. Amy?

17 MS. SPENCER: Amy Beasley Spencer, Secretary
18 for the Standards Council.

19 MR. GERDES: Ralph Gerdes, council member.

20 MR. CLARY: Shane M. Clary, member of the
21 Council. I would like to note for the record that
22 I am a member of the technical committee on the
23 fundamentals of fire alarms. As a technical
24 committee member I participated in consideration
25 and voting on issues that appear to be related to

1 this appeal. I have, therefore, reviewed my
2 obligation under the Guide for Conduct of
3 Participants in the NFPA process, particularly
4 section 3.5(d) of the Guide, to consider whether
5 there is any reason for me to recuse myself from
6 consideration of this appeal.

7 I have concluded that I do not have any views
8 that are, or would appear to be, fixed concerning
9 the issues, and I am fully able to give open and
10 fair consideration to this appeal. For the record,
11 therefore, I have considered the matter, and I
12 believe that I can fully, fairly and impartially
13 fulfill my role as a Council member on this appeal.

14 MR. JARDIN: Joe Jardin, member of Council.

15 MR. HUGGINS: Ronald Huggins, Council member.

16 MR. BELL: Kerry Bell, member of Council. I
17 would like to note for the record that I am an
18 employee of Underwriters Laboratory, that I have
19 not been involved in any activities related to this
20 topic. I have, therefore, reviewed my obligation
21 under the Guide for Conduct of Participants in the
22 NFPA process, particularly section 3.5(d) of the
23 Guide, to consider whether there is any reason for
24 me to recuse myself from consideration of this
25 appeal.

1 I have concluded that I do not have any views
2 that are, or would appear to be, fixed concerning
3 the issues, and I am fully able to give open and
4 fair consideration to this appeal. For the record,
5 therefore, I have considered the matter, and I
6 believe that I can fully, fairly and impartially
7 fulfill my role as a Council member on this appeal.

8 MR. MILKE: Jim Milke, Council member.

9 MR. FARR: Ron Farr, member of Council.

10 MR. HARRINGTON: J.C. Harrington, member of
11 Council.

12 MR. CARPENTER: James Carpenter, member of
13 Council.

14 MR. MCDANIEL: Danny McDaniel, member of
15 Council.

16 MR. NEWMAN: Michael Newman, member of
17 Counsel.

18 MR. LEBER: Fred Leber, member of Council.

19 MS. BRODOFF: Maureen Brodoff, NFPA staff and
20 legal counsel to the Standards Council.

21 MR. CROSSMAN: Paul Crossman, NFPA staff.

22 MR. DUBAY: Christian Dubay.

23 MR. ROBINSON: Wayne Robinson, TIA 936.

24 MR. CLARK: Ruben Clark, TIA 936.

25 MR. SAPORITA: Vince Saporita, Cooper Bustman.

1 I'm here for the next presentation.

2 MR. PIQUEIRA: Philip Piqueira with General
3 Electric.

4 MR. SCOLINIK: Al Scolnik, with NEMA.

5 MR. PAULEY: If you gentlemen will move to the
6 end for this particular hearing and announce your
7 names for the record.

8 MR. BUSS: I'm Jeff Buss, with Sure Signal
9 Products. I'm here for TIA 946.

10 MR. BOYD: Wayne Boyd, with US Safety and
11 Engineering, 946 TIA.

12 MR. PAULEY: Very good. Thank you everyone.
13 We will basically proceed. Gentlemen, you'll have
14 ten minutes to essentially present what you would
15 like to present to the Council. What we will then
16 do is I will open it up to questions from the
17 members of Council to you. Then give you an
18 opportunity for any closing remarks that you may
19 have after that. So the floor is yours.

20 MR. BUSS: Thank you very much. Again, my
21 name is Jeff Buss. I'm the President of Sure
22 Signal Products. I originated this TIA back in
23 September. I wanted to come here to defend our
24 position and also I brought the product. I don't
25 know, this is kind of a unique product, and I don't

1 know if everyone here is familiar with it. If you
2 like I can just circulate it on down the table.
3 This is an empty box and this is the product. I've
4 also brought flyers if anybody wants to keep some
5 as a reference.

6 I want to thank everyone here for considering
7 our appeal. I know that your time is valuable so I
8 would just like to summarize what I've already
9 written in the document that was submitted to Amy a
10 couple of weeks back. The technical committee
11 passed our TIA with an overwhelming margin; eighty
12 percent for the merit and eight-five for the
13 emergency nature.

14 The correlation committee, I did fairly well
15 with them as well; on the merit I got fifty-eight
16 percent, but only thirty-seven percent for the
17 emergency nature. At this time, I basically would
18 like to address the foundation of my appeal which I
19 don't believe that the correlation committee fully
20 addressed all the facts of my TIA.

21 The majority of the reasons that were given
22 for the no votes on the TIA related back to the
23 technical merits of the product. There was not a
24 single correlation issue cited in any of the
25 negative votes. Two of the votes, in fact, I don't

1 believe that maybe the proper amount of time was
2 spent reviewing the documents.

3 Two of the votes referred to UL Standard,
4 UL217. My product is a heat alarm; 217 applies to
5 smoke alarms. UL539 is the appropriate standard
6 for us. There were four votes that were negative
7 that stated that the TIA couldn't be granted
8 because I didn't meet standard S3.41, which is the
9 temporal pattern. My request is an exception from
10 the temporal pattern. To use the fact that I don't
11 have that pattern as the reason to not grant me the
12 exception seems a little bit like a circular
13 reference.

14 There was one vote that stated that acceptance
15 of this TIA would be unethical. That one kind of
16 astounded me. It's a supplemental residential fire
17 alarm. I don't see how granting an exception could
18 ever be interpreted as unethical. One vote simply
19 stated that the product was not equivalent with no
20 further information. But basically when I looked
21 at it, I don't see anything that's citing conflicts
22 within the codes or the standard anywhere else.

23 On the emergency nature aspect of the TIA, we
24 didn't do as well there, but virtually all the no
25 votes stated that, well this code has been in place

1 for some time. Now, NFPA has a very unique
2 definition of what constitutes an emergency nature.
3 Basically the one that I feel best fit our product,
4 one of them I think it's Section 5.2F states TIA is
5 meant to correct a circumstance in which a revised
6 doc has resulted in inverse impact on a product and
7 I felt like that landed pretty nicely on what I was
8 trying to do.

9 None of the NFPA definitions relate to the
10 time. Granted that code has been in place for some
11 time but that is not the definition that you guys
12 have selected for applying for a TIA. The actual
13 emergency nature that brought me into this in the
14 process of the TIA, and I'm not familiar with the
15 NFPA's code writing procedures, so I'm a complete
16 novice to this, is that UL has decided after twenty
17 years to make a major revision to Standard 539,
18 which has been titled in the past a mechanical heat
19 alarm. Well they're now kind of harmonizing it to
20 include electronic devises. So they're adopting
21 the T3 pattern, which my mechanical devise cannot
22 realistically achieve.

23 Additional reasons why I feel this TIA request
24 should be granted is that the only major study that
25 I've been able to locate which was done by Dr.

1 Janine Prolux (phonetic) out of Canada, her study
2 shows that the mechanical alarm was actually eight
3 times more recognized or more easily recognized as
4 a fire alarm than the T3 pattern. The same study
5 also cited that it was recognized to be four times
6 more urgent than the T3 pattern.

7 I guess -- I believe that the section I'm
8 requesting is very narrow in scope. No one is
9 going to be adopting mechanical power strictly to
10 take advantage of the fact that the NFP has granted
11 a slight exception to the code to allow our
12 ringtone to exist. In general it's not a practical
13 way of doing things with today's modern circuitry.
14 It can't be modern. This is a residential use
15 product. It has no application outside of the
16 home. You can see in our literature, this is
17 designed to go in attics, kitchens, crawl spaces,
18 utility closets, not in sleeping chambers, not in
19 areas where people reside.

20 It's not a commercial use product. It can
21 never be wired into an electronic system. So
22 basically I believe there's no downside risk in the
23 NFPA adopting this TIA request.

24 MR. PAULEY: Thank you. Mr. Boyd did you have
25 anything?

1 MR. BOYD: Just a couple of quick points.
2 I've been a member of the technical committee,
3 chapter 11 on 72 for about forty years now. But at
4 any rate, a committee has studied the issue
5 extensively, discussed extensively among the
6 technical members. We have two members of UL that
7 do conduct tests on the products and they supported
8 this TIA, primarily because of the number of
9 kitchen fires where smoke alarms are not practical
10 because they create false alarms, without regular
11 service. Most consumers do not regularly service
12 smoke alarms.

13 And so consequently, by low maintenance the
14 seal mechanism works very effectively and our
15 committee used that in voting to approve the TIA
16 and I sincerely hope that you evaluate that in your
17 consideration.

18 MR. PAULEY: That being the case, we'll go
19 ahead and take questions from members of Council
20 right now. For the record, Mr. Boyd, I wanted to
21 clarify when you indicated you've been on the
22 technical committee for some --

23 MR. BOYD: Yeah.

24 MR. PAULEY: Are you speaking on behalf of the
25 technical committee today or speaking on --

1 MR. BOYD: On my own behalf. Yeah, nobody
2 else from the technical committee was going to be
3 here and I thought it might be appropriate to have
4 someone that could answer questions for you.

5 MR. PAULEY: Okay. Again Jim Pauly, chairman
6 of the Council. Also for the record, Mr. Buss, you
7 indicated that you're representing the manufacturer
8 of this particular device that we're talking about.
9 Mr. Boyd is there any commercial interest that you
10 have in this particular topic?

11 MR. BOYD: No, just as a member of the
12 technical committee.

13 MR. PAULEY: Okay. I'll open it up to
14 questions from the Council members now. Mr.
15 Gerdes?

16 MR. GERDES: Ralph Gerdes, Council member. I
17 have several questions. My first has to deal with
18 NFPA process and did you guys participate in this?
19 Why do we need a TIA? You indicated something
20 about Underwriters Laboratory changing their
21 standards. Was that as a result of the NFPA
22 standard initiated?

23 MR. BUSS: No, it wasn't. Jeff Buss. I was
24 actually struck out of the blue by the UL standard.
25 I received some documentation that stated after a

1 long period of time the UL had determined it's time
2 to revise standard 539. I was told, or made aware
3 of this in September '08 and within weeks we
4 submitted the TIA request.

5 MR. GERDES: My second question. This chapter
6 11, I believe, deals with residential situations
7 and there's obviously extensive chapters dealing
8 with commercial. As I understand it, all the
9 commercial equipment requires this T3 and you're
10 basically getting an exception. But why make a
11 distinction between your situation and all the
12 other equipment and applications?

13 MR. BUSS: I really can't speak for the
14 commercial product. My expertise lies solely with
15 residential. But primarily I'm asking for this
16 request because do not believe I can adapt my
17 product to create a T3 pattern. The T3 pattern is
18 basically created through electronic controls and
19 electronic power, primarily with the residential
20 smoke alarms, it allows the electronics to control
21 it.

22 We are a flat spring that's wound up and when
23 the alarm is triggered, it unwinds, strikes a
24 two-stage gear process which rotates a centrifugal
25 hammer that clacks up against a bell in order to

1 create not just one pause, which is the half second
2 off, in between the half second on, you would have
3 to create a secondary one and a half second pause
4 every, I think, three cycles.

5 First off, I don't believe that's possible.
6 Secondly, my company is very small. We only have
7 eight employees, only two of which are professional
8 level people. Economically to even attempt to
9 undergo such a complex engineering task would be
10 financially unfeasible. But at the end of the day,
11 I don't think we can do it. I think the complexity
12 involved to add so many additional stages of
13 gearing and have a mechanism that would actually
14 move the centrifugal hammer in and out to allow it
15 to clack the bell with the appropriate spacing
16 would create such a mechanical monstrosity
17 reliability would fall to the point where it would
18 no longer be a viable product for the home.

19 MR. GERDES: My next question deals with the
20 impact of the TIA. In your appeal letter,
21 February 18th, you say that you're a supplemental
22 device and I take it that you're just talking about
23 heat detectors?

24 MR. BUSS: Correct.

25 MR. GERDES: But the way I read the TIA, the

1 impact, it doesn't distinguish between heat or
2 smoke detectors, is that true?

3 MR. BUSS: You make an excellent point. Again
4 I'm not very familiar with the code writing
5 process. I'm a novice to this. It was pointed out
6 in the technical committee with a gentleman, I
7 think it was Steve Owaneke (phonetic), I did
8 reference it. He felt that -- he did not vote in
9 favor of the TIA but he said that he would fully
10 support this TIA vote for technical merit and for
11 the emergency nature if the word supplemental was
12 add to my application -- supplemental heat alarm.

13 I'm fully in favor of that. However, when I
14 brought that to the attention of the liaison at
15 NFPA they felt that that would basically cause the
16 process to go back to square one and so I don't
17 know whether this Council has the ability to adopt
18 changes in the code language to my request, but I
19 would fully support that.

20 MR. GERDES: My last question has to do with
21 correlation and what the technical correlating
22 committee did and you believe there's no conflict,
23 correlation conflict with other requirements and
24 the standard but it kind of gets back to my earlier
25 question about the fact that as I understand it,

1 all these other devices are required to meet this
2 T3 requirement. So would you agree that maybe
3 there is a correlation across the standard that
4 needs to be done?

5 MR. BUSS: I believe if an exception is
6 granted there is no correlation issue. This
7 product would have been taken out of that cycle.
8 There have already been two exceptions granted to
9 allow the mechanical heat alarm. One was related
10 to power and truthfully I can't recall off the top
11 of my head what the other one was about. I did
12 reference it in the initial submittal of the TIA,
13 but no, I don't believe that's the case.

14 MR. PAULEY: Other questions, members of
15 Council? Mr. Clary?

16 MR. CLARY: Yes, Shane Clary, member of
17 Council. A question to Mr. Buss, or a couple of
18 questions. Are there any other mechanical products
19 on the market today or is your product the only
20 mechanical product that's out there?

21 MR. BUSS: To the best of my knowledge, mine
22 is the only product that exists.

23 MR. CLARY: So there's no other mechanical
24 smoke defector or other mechanical --

25 MR. BUSS: I can't speak in absolutes but I

1 have never seen one.

2 MR. CLARY: The second question. Have you,
3 after UL made the changes to UL539 or even during
4 the process -- first of all are you on that UL STP?

5 MR. BUSS: No, I'm not.

6 MR. CLARY: Have you ever applied beyond that?

7 MR. BUSS: I met with John Parsoning
8 (phonetic) to discuss the possibility of getting
9 on, but that was after the fact.

10 MR. CLARY: After they made their changes to
11 UL 539, have you had any correspondence or been in
12 any dialog with UL, to see if there's an exception
13 within their standard for your product?

14 MR. BUSS: After I was made aware of this, I
15 approached UL to discuss the situation, requesting
16 an exception from them. They felt that the only
17 way that they could be consistent with the codes
18 would be to first get an exception from the NFPA
19 and then they could roll that into their own
20 standard, UL 539.

21 MR. CLARY: So basically the TCC is saying get
22 your exception first from UL and UL is saying get
23 your exception first in 72?

24 MR. BUSS: That wasn't my take. I didn't
25 fully understand what the TCC was trying to say in

1 the no votes. They were difficult to interrupt.
2 Basically my take on the TCC was they felt that
3 they did not like the technical merits of my
4 request, virtually all the comments in the no votes
5 related back to technical aspects of the request.

6 MR. CLARY: Can you describe, I guess, what is
7 your interpretation of what supplemental is?

8 MR. BUSS: My interpretation of supplemental,
9 and granted it is sort of a gray area within the
10 codes, but my interpretation of supplemental for a
11 residential device, not a commercial device, are
12 products that are added to a home that were beyond
13 the requirements of the code. So currently the
14 smoke alarm requires smoke alarms wired together in
15 construction, in every bedroom of the home and one
16 on every floor and the other things, and that's
17 where the code stops. But this is above and beyond
18 the nature of the requirement of the code. So to
19 me it's like, how could it possibly hurt? You're
20 adding a product, where otherwise there would be
21 none.

22 MR. CLARY: Now within, and I haven't read
23 your installation instructions, but within your
24 installation instructions does it clearly state to
25 the homeowner that this is not to be used in lieu

1 of smoke alarms?

2 MR. BUSS: Absolutely.

3 MR. CLARY: So it's clear within your
4 marketing and your instructions that --

5 MR. BUSS: -- you can see on this thing that
6 we did it graphically in case there are any
7 language issues, in fact, to show the appropriate
8 spaces that this product should be installed.

9 MR. CLARY: Okay. Thank you.

10 MR. PAULEY: Dr. Milke?

11 MR. MILKE: Jim Milke, member of Council.
12 Could you give us just a brief history of your
13 product here, when it was first developed, when it
14 was first listed?

15 MR. BUSS: Well this product goes back
16 significantly in time. I believe that it was
17 introduced either in 1957 or 1959. I don't know
18 who was the actual originator of the idea but I
19 think he got it from the fire sprinkler heads at
20 the time, the detecting metal link. The company
21 changed hands a few times. I purchased the
22 business from a company called Interstate
23 Engineering. It was located in Anaheim California
24 where I was employed as the director of
25 engineering.

1 They were primarily a vacuum cleaner company.
2 They were no longer interested in the heat alarm
3 products and I wound up in charge of it during the
4 strange transition and when they were willing to
5 sell it, I was willing to buy it and at the time,
6 relocated to Tennessee. I brought it back to
7 California, hired some of the people that had been
8 laid off and we've been building ever since, Garden
9 Grove, California since the year 2000.

10 MR. PAULEY: Just to follow up. So it was
11 listed --

12 MR. BUSS: -- oh, I believe it was listed in
13 the '50s, but I've seen listing information that
14 goes back to the early '70s. That's as far back as
15 I can verify because we have the UL listing book in
16 our -- it's this thick.

17 MR. PAULEY: Very good. Mr. Huggins?

18 MR. HUGGINS: Ronald Huggins, member Council.
19 I have questions for Mr. Boyd. As a TC member are
20 you both defining that you view this as a
21 supplemental item?

22 MR. BOYD: Yes.

23 MR. HUGGINS: As a TC member do you see it
24 really fitting 1135 which defines it's devices that
25 are to initiate evacuation? I mean this is 11353,

1 it just seems an awkward fit putting a supplemental
2 device in that chapter. So what are your thoughts
3 on that?

4 MR. BOYD: My personal opinion is the
5 committee needs to do some work on that and maybe
6 relocate it. But it is a supplemental device. And
7 of course the standard itself does recommend
8 additional protection, but the location probably
9 should be worked on.

10 MR. HUGGINS: Thank you.

11 MR. PAULEY: Mr. Jardin?

12 MR. JARDIN: Joe Jardin, member of Council and
13 this is probably for Mr. Boyd as well. Relative to
14 the TIA submittal, under the lists of reasons for
15 it, it talks about precedent for the TIA and it
16 gives some, I guess, some historical perspective
17 concerning another TIA that was approved. It talks
18 about section 11.61 allowing smoke and heat alarms
19 powered by a spring wound mechanism such as you're
20 here today to discuss. Also it talks about an
21 exception that was introduced in the 2007 print,
22 section 115211. I wonder if you can give us some
23 context in terms of that TIA that was mentioned as
24 being approved and the exception that was put in
25 there. Is that -- were those specifically put in

1 place to permit what the appellant is here to argue
2 for today?

3 MR. BOYD: Yes they were. The power supply
4 issue, obviously was self contained so it had to be
5 put in as an exception.

6 MR. PAULEY: Additional questions from members
7 of the Council? Mr. Clary?

8 MR. CLARY: Shane Clary, member of the
9 Council. Again a question to probably Mr. Boyd.
10 As you knew of course 72 for a number of cycles has
11 required the temporal 3 code, and a lot of the
12 building codes it states that there shall be no
13 dissimilar sounds to cause any confusion. Do you
14 feel that if -- you know, you have a single family
15 dwelling that's got the smoke alarms or smoke
16 detection system that has a temporal 3, which has
17 it's distinct cadence and then you have this
18 device, that has -- I take it it's a solid ringing
19 bell?

20 MR. BUSS: Yes, I can demonstrate if you want.

21 MR. CLARY: No need to, that will suffice. Do
22 you think the occupants of the house or even a
23 visitor of the house will recognize that in the
24 middle of the night as an alarm going off and to
25 basically, execute Edith?

1 MR. BOYD: Well to answer your question in the
2 proper use, the most common usage of the product is
3 to attract attention, not to evacuate. Like a
4 cooking fire. Mostly cooking fires, if you look at
5 NFPA data, is one of the leading causes of fires
6 and are caused by inattention, where people -- the
7 phone rings, a child has an issue. It's to call
8 their attention to it and most of time, you turn
9 off the heat and solve the problem.

10 So it's not to -- it's not really needed as an
11 evacuation signal because the evacuation signal
12 would be the smoke alarm, the primary required
13 devices if in fact the house needed to be
14 evacuated.

15 MR. CLARY: So my understanding of your
16 testimony that it is not the intent of this device
17 to cause an evacuation, but it's more of an alert
18 of a possible incident occurring?

19 MR. BOYD: Yes.

20 MR. PAULEY: Other questions? Jim Pauly,
21 chair of the Council. I guess one question that I
22 have is, did I hear you right, Mr. Buss, that your
23 device cannot, and I'm assuming from an engineering
24 perspective, cannot be adapted to do the T3 signal,
25 is that --

1 MR. BUSS: That is my opinion and my company's
2 opinion. We would abide by this code if we could
3 think of a way to do it. We can't.

4 MR. PAULEY: Additional questions? Amy?

5 MS. SPENCER: Amy Spencer, secretary of the
6 Council. Mr. Boyd, in your submission to the
7 Council you noted president, what is your company
8 that you're president of?

9 MR. BOYD: US Safety and Engineering.

10 MS. SPENCER: US Safety and Engineering?

11 MR. BOYD: Yes.

12 MR. PAULEY: Mr. Clary?

13 MR. CLARY: One last question for Mr. Buss.
14 If the TIA, if the action that was taken by the TCC
15 were to be upheld by the Council and thus the TIA
16 would not be issued, what's the impact of that
17 action in your company? What would the impact be?

18 MR. BUSS: This mechanical heat alarm is
19 99.9 percent of my company's revenue, in Garden
20 Grove California. I think if I lose my ability to
21 maintain a UL listing, I will lose my ability to
22 sell the product and most likely I will have to
23 declare bankruptcy.

24 MR. PAULEY: Jim Pauly, chair of the Council.
25 I just wanted to follow up on Ms. Spencer's

1 question and make sure I have it for the record.
2 Mr. Boyd, US Safety and Engineering, the company
3 where you did the submittal, there's no affiliation
4 to Sure Signal.

5 MR. BOYD: No, that's correct.

6 MR. PAULEY: Do you have another question?

7 MS. SPENCER: When we were researching this
8 there were some questions about possible linkages
9 with two companies, with Masterguard. Can you,
10 both of you comment on any kind of relationship
11 with Masterguard.

12 MR. BUSS: I'll go first, Jeff Buss.
13 Masterguard is my largest customer. I private
14 label the alarm and sell it to them, there in
15 Dallas, actually in Coppell Texas outside of
16 Dallas. That is my relationship to Masterguard. I
17 have no relationship to Mr. Boyd other than he has
18 been for many years in the same industry. In
19 general we've been competitors.

20 MS. SPENCER: Mr. Boyd?

21 MR. BOYD: Same question.

22 MS. SPENCER: Yes.

23 MR. BOYD: Well basically I do not work for
24 Masterguard. Is that your question?

25 MS. SPENCER: What's your affiliation with

1 Masterguard? There was some question about if the
2 two companies were related through Masterguard.

3 MR. BOYD: The answer is no.

4 MS. SPENCER: What is your affiliation with
5 Masterguard?

6 MR. BOYD: The answer is no, no direct --

7 MS. SPENCER: No affiliation.

8 MR. BOYD: Me personally, no.

9 MS. SPENCER: But okay to follow up, your
10 company has an affiliation with Masterguard?

11 MR. BOYD: My company has done some consulting
12 work for them in the past, yes.

13 MR. PAULEY: Additional questions?

14 MR. NEWMAN: Mike Newman, member of Council.
15 I just had a question. On one of the TC committee
16 negatives they mention the fact that if the alarm
17 were to go off when someone is not at home and the
18 spring runs down, people might have a false sense
19 of security that this thing is up there and it's
20 operable when it's really not. I'm just curious,
21 any comment on that? Is there any way to determine
22 that or do you have any suggestions?

23 MR. BUSS: That was from the correlation
24 committee and it was an interesting point brought
25 up under the merits of correlation, but, yes, we

1 absolutely have an indicator; the RU technic metal
2 heat sensor which is the round disk. It's not in
3 place now that it's been circulated but obviously
4 it's the center picture. The center gets pushed
5 out by a spring loaded pin, whenever the
6 temperature reaches -- and below that cover is a
7 day-glow orange pin that says inoperable. Which is
8 interesting to me because the smoke alarm, to the
9 best of my knowledge, if it trips when no one is
10 home there is no indication whatsoever that its
11 gone off in the absence of people, so in that
12 regard, we're actually superior.

13 MR. PAULEY: Additional questions?

14 (No response from members of the Council)

15 MR. PAULEY: Very good. Any final closing
16 remarks that either of you have.

17 MR. BUSS: I'd like to say that I really do
18 appreciate you guys taking the time to listen to me
19 and I thought all your questions were excellent and
20 right on point. It was clear to me that you you've
21 been paying attention. Thank you very much.

22 MR. PAULEY: Mr. Boyd.

23 MR. BOYD: Just one final comment and that is
24 based on the number of cooking or kitchen fires and
25 the need for detecting -- the NFPA publishes data

1 that says from first plane to deadly conditions in
2 two minutes is not uncommon. So to protect a fire
3 at the point of origin, in the kitchen is a very
4 important thing.

5 MR. PAULEY: Thank you and gentlemen let me --
6 the Council will deliberate this issue in executive
7 session. The decision of the Council will be
8 issued by Ms. Spencer. That will be the only
9 issuance that will come from the Council. No
10 member of the Council nor NFPA staff is permitted
11 to convey any information about this particular
12 topic. It will be completed by that decision.

13 So I do want to thank both of for your full
14 participation in the NFPA process and for going
15 through the process that you have. We appreciate
16 you being here today and we will certainly advise
17 you as to that decision as the Council renders it.
18 So thank you very much.

19 MR. BUSS: Could you give me maybe an
20 indication as to when a decision might be reached?

21 MR. PAULEY: We often get asked that question
22 and the answer is generally the same, that it's
23 hard to give you that. It really depends on what
24 our entire workload out of the meeting comes. We
25 will ultimately in a vast majority of the cases,

1 arrive at a decision today. That has to be
2 finished up, written up and then ultimately issued.
3 So it could range anywhere from a week to -- we've
4 had decisions that have taken months.

5 So, you know, I'm not going to try to pin it
6 down to tell you a week from now, you'll have a
7 decision. If I do, I'll be wrong out of it. So
8 you just kind of have to bear with us. I know both
9 Council and staff work as rapidly as we can to get
10 those out.

11 MR. BUSS: Thank you very much.

12 MR. PAULEY: With that, we are going to stay
13 on the record and we're going to move directly into
14 the second hearing. So gentlemen on TIA 936, if
15 you'd like to move to the end of the table. I am
16 going to take the opportunity to have anyone that
17 was not in the room at the time when we did the
18 introductions, if you would please introduce
19 yourself at this point.

20 MR. OKLEY: George Okley, Senior Consultant,
21 Bustman Division Cooper Industries.

22 MS. FULLER: Linda Fuller, NFPA staff.

23 MR. PAULEY: So we are now moving to agenda
24 item 09-3-5d. This is an appeal on the, or for the
25 issuance of TIA number 936, that is on NFPA 70.