26 April 2013

To: Interested Parties

Subject:

<table>
<thead>
<tr>
<th>Standards Council Decision (Final):</th>
<th>D#13-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards Council Agenda Item:</td>
<td>SC#13-3-14-d</td>
</tr>
<tr>
<td>Date of Decision:</td>
<td>7 March 2013</td>
</tr>
<tr>
<td>TIA No. 1094 on NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2013 edition</td>
<td></td>
</tr>
</tbody>
</table>

Dear Interested Parties:

At its meeting of March 6-7, 2013, the Standards Council issued a decision on the above-referenced matter. On March 14, 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 used 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,

Amy Beasley Cronin  
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, N. Pearce, G. Colonna, R. Coté, T. Vecchiarelli, M. Klaus, R. Solomon, G. Harrington  
Members, Technical Committee on Pyrotechnics (PYR-AAA)  
Members, Technical Correlating Committee on Automatic Sprinkler Systems (AUT-AAC)  
Members, Technical Committee on Sprinkler System Discharge Criteria (AUT-SSD)  
Members, Technical Correlating Committee on Building Code (BLD-AAC)  
Members, Technical Committee on Fire Code (FCC-AAA)  
Members, Technical Correlating Committee on Safety to Life (SAF-AAC)  
Members, Technical Committee on Smoke Management Systems (SMO-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
FPRF Fireworks Research Panel  
Individuals Providing Appeal Commentary
Standards Council Decision (Final):  
D#13-2

Standards Council Agenda Item:  
SC#13-3-14-d

Date of Decision:  
7 March 2013

TIA No. 1094 on NFPA 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2013 edition

**SUMMARY OF ACTION (for convenience only; not part of official decision):** The Standards Council voted to issue TIA No. 1094.

**DECISION:**

At its meeting of March 6-7, 2013, the Standards Council considered an appeal from Julie Heckman representing the American Pyrotechnics Association. The appeal opposes the issuance of proposed Tentative Interim Amendment (TIA) No. 1094 on the 2013 edition of NFPA 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*. The proposed TIA revises NFPA 1124, Sections 2.2, 6.1.3, 6.5.1, 6.5.1.1, 6.5.1.2, 7.3.1.1, 7.3.1.2, 7.3.6, 7.3.7, 7.3.7.1, 7.4.4.2, 7.4.5.1, 7.5.4, A.6.5.1, A.6.5.1.1, A.7.3.6, A.7.3.7, A.7.5.1.1 and recommends a corresponding change to the Index that accompanies NFPA 1124. The effect of these revisions is to limit all permanent consumer fireworks retail sales facilities and stores (“consumer fireworks facilities”) to the thresholds below which automatic sprinkler systems are not required. After consideration of the record and all arguments in support of the appeal, the Council has voted to deny the appeal and issue TIA No. 1094.

TIA No. 1094 was developed at the direction of the Standards Council pursuant to its authority under the *Regulations Governing the Development of NFPA Standards* at section 5.11. The Council’s decision to develop and issue such a TIA was made at the Council’s October 2012 meeting, and the reasons for the TIA are set forth in Standards Council Decision Number D#12-17 (Standards Council Agenda Item #12-10-12, October 30, 2012) (the “October 2012 Decision”), and will not be repeated here. In addition, those interested in understanding the Council’s decision within the full context of the lengthy and challenging history of NFPA standards development activities concerning the storage and retail sales of consumer fireworks are referred to the previous Standards Council Decisions cited in the October 2012 Decision. See D#08-19 (Standards Council Agenda Item #08-7-28, July 24, 2008); and D#12-4 (Standards Council Agenda Item #12-8-11, August 9, 2012) (“the August 2012 Decision”).

As explained in the October 2012 Decision, the Council has concluded that TIA No. 1094 is necessary to address the ongoing delay and continuing failure of the consumer fireworks industry or other interested parties to implement the testing program necessary to support the development of technically substantiated sprinkler design criteria for such facilities. The TIA does so by limiting the sales and storage of consumer fireworks to those facilities that, due to such factors as limited area and quantity of materials, are not required by NFPA 1124 to have automatic sprinkler systems. Through this limitation, the
TIA addresses the lack of technical substantiation to support sprinkler design criteria at the same time that it leaves in place the remaining consumer fireworks provisions that the Council agreed, after lengthy consideration, to issue in the August 2012 Decision.

In issuing TIA No. 1094, the Standards Council notes that its October 2012 Decision requested that staff work with the Technical Committee on Pyrotechnics to develop the appropriate language for a TIA that would limit consumer fireworks facilities to the thresholds below which automatic sprinkler systems are not required. This language was developed as requested, but a final informational ballot of the Technical Committee to confirm that the language, now designated as TIA No. 1094, correctly achieved the limitation intended by the Council did not pass. These ballot results, however, identify no actual flaw in the language of the TIA, and the Council perceives none. Should the TIA contain any technical flaw in accurately achieving the limitation intended by the Council, the Technical Committee may provide technical corrections through a TIA or during the next revision cycle.

Finally, the Council stresses that action it has taken in issuing TIA No. 1094 leaves open the opportunity to add sprinkler design criteria into the consumer fireworks provisions of NFPA 1124 in the future should appropriate testing be completed and submitted in accordance with the guidance set forth in the October 2012 Decision at pp. 5-6. The Standards Council still believes the full scale testing to determine the appropriate sprinkler design criteria for consumer fireworks facilities is an important endeavor, and the appellant or others will now have an opportunity to complete the necessary testing in a timeframe of their choosing.

Council Members, Donald Bliss and Daniel O’Connor recused themselves during the deliberation and vote on this issue.