29 March 2013

To: Interested Parties

Subject: Standards Council Decision (Final): D#13-3 (REVISED)
Standards Council Agenda Item: SC#13-3-17-d
Date of Decision*: 7 March 2013

Dear Interested Parties:

At its meeting of March 6-7, 2013, the Standards Council considered an appeal on the above referenced matter.

Please note that a correction has been made to the final decision that was previously sent out on March 28, 2013 for Council agenda item #13-3-17-d (D#13-3) for TIA No. 1091 on NFPA 1971. Specifically, the only change is the last paragraph, regarding recusal. The rest of the decision remains unchanged.

The last paragraph now reads as follows:

“Council Members Kerry Bell and Donald Bliss recused themselves during the hearing, deliberation and vote on this issue.”

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

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

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c: D. Berry, M. Brodoff, L. Fuller, D. Trebisacci, K. Willette, Y. Smith
Members, Technical Committee on Structural and Proximity Fire Fighting Protective Clothing and Equipment (FAE-SPF)
Members, Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment (FAE-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 the Development of NFPA Standards 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 the Development of NFPA Standards, 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.
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal and not issue TIA No. 1091.

DECISION:

As background, the material proposed in TIA No. 1091 was balloted through the Technical Committee on Structural and Proximity Fire Fighting Protective Clothing and Equipment (TC) and Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment (CC) in accordance with the Regulations Governing the Development of NFPA Standards (Regs), to determine if it had the necessary three-fourths majority support on merit and emergency nature to establish a recommendation for issuance. The ballot failed both the TC on technical merit and the CC on correlation merit. The ballot failed to achieve the necessary support of both the TC and CC on emergency nature. When a TIA fails to achieve the recommendation of the responsible committees on both merit and emergency nature, under NFPA rules, the default recommendation of the codes and standards development process is to not issue the TIA.

The appeal requests that the Council overturn the action that was recommended by the NFPA codes and standards development process, and issue the TIA. On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the council will overturn the result of 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 the arguments put forth in this appeal. In the view of the Council, this appeal does not present a 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 to not issue the TIA. The effect of this action is that the Flame Resistance Test Four as found in Sections 7.10.2 and 8.5 will not be modified.

The Council notes that there appears to be ongoing consideration of Personal Protection Equipment (PPE) issues, including procedures for test method validation. At the Future of the PPE Project Summit to be held in April 2013, test method validation procedures are highlighted as an agenda item requiring discussion. If during the summit, and
subsequent review, the TC believes additional consideration of the new test method is required, the TC may take action as it deems appropriate, including processing a TIA to extend the effective date for the application of the test requirements beyond the August 29, 2013 deadline.

Council Members Kerry Bell and Donald Bliss recused themselves during the hearing, deliberation and vote on this issue.