NATIONAL FIRE PROTECTION ASSOCIATION

STANDARDS COUNCIL MEETING

AGENDA ITEM 13-3-17

TENTATIVE INTERIM AMENDMENT 1091

APPELLANT: Jeffrey Stull
International Personal Protection

Day/Date: Wednesday, March 6, 2013
Place: Caribe Hilton Hotel
San Geronimo Street
San Juan, Puerto Rico 00901
Time: 1:09 p.m. to 1:53 p.m.

Reporter: Derek Hoagland, CA CSR 13445
APPARENCES

JIM PAULY, CHAIRMAN
Square D. Company/Schneider Electric

Amy Cronin, NFPA Secretary

Linda J. Fuller, NFPA Recording Secretary

Maureen Brodoff, Esq., NFPA Legal Counsel

STANDARDS COUNCIL MEMBERS

Kerry M. Bell, Underwriters Laboratories, Inc.
Donald P. Bliss, National Infrastructure Institute
Randall K. Bradley, Moraga-Orinda Fire District
John C. Harrington, FM Global
James E. Golinveaux, Tyco Fire Suppression & Building Products
Bonnie E. Manley, American Iron and Steel Institute
Danny L. McDaniel, Colonial Williamsburg Foundation
James A. Milke, University of Maryland
Daniel J. O'Connor, Aon Fire Protection Engineering
Richard P. Owen
John A. Rickard, Katus, LLC
Michael D. Snyder, Dow Corning Corporation

ALSO PRESENT

Meghan Houseright, NFPA Staff
Paul Crossman, NFPA Staff
Michael Wixted, NFPA Staff
Dave Trebisacci, Via Telephone
SAN JUAN, PUERTO RICO, WEDNESDAY, MARCH 6, 2013

PROCEEDINGS

MR. PAULY: With that, let me bring this hearing to order. My name is Jim Pauly, Chairman of the Standards Council. This particular hearing is on agenda item 13-3-17. And it relates to proposed tentative interim amendment No. 1091.

By way of process, in a moment I am going to ask all the members in the room -- I am going to ask Members of Council and staff to introduce themselves first, and then anyone else in the room. And as far as process goes, Mr. Stull, you will have ten minutes to basically present to the Council what you would like.

We will open it up to questions from members of the Council to you, and since we don't have a respondent here today, then any closing remarks that you might
have after that.

MR. STULL: Thank you.

MR. PAULY: Mr. Bell, would you like to go next, please.

MR. BELL: Kerry Bell, Member of Council.

For the record, I am recusing myself on this agenda item and will not participate as a member of the Standards Council in the hearing deliberations or voting on this matter.

MS. BRODOFF: Maureen Brodoff, legal counsel to the Standards Council.

MR. GOLINVEAUX: James Golinveaux, Member of Council.

MR. BRADLEY: Randall Bradley, Member of Council.

MR. RICKARD: John Rickard, Member of Council.

MR. MILKE: Jim Milke, Member of Council.

MR. McDANIEL: Danny McDaniel, Member of Council.
MR. OWEN: Richard Owen, Member of Council.

MS. HOUSERIGHT: Meghan Houseright, NFPA staff.

MR. BLISS: Donald Bliss, Member of Council.

For the record, I am recusing myself on this agenda item and I will not participate as a member of the Standards Council in the hearing deliberations or voting on this matter.

MR. O'CONNOR: Dan O'Connor, Council Member.

MR. SNYDER: Michael Snyder, Member of Council.

MR. HARRINGTON: J.C. Harrington, Member of Council.

MS. MANLEY: Bonny Manley, Member of Standards Council.

MR. CROSSMAN: Paul Crossman, NFPA staff.

MR. WIXTED: Michael Wixted, NFPA staff.

MS. FULLER: Linda Fuller,
NFPA staff.

MS. CRONIN: Amy Cronin, NFPA staff.

MR. PAULY: And would you introduce yourself for the record.

MR. STULL: Excuse me, my voice is hoarse. I'm sorry. Jeff Stull, International Personal Protection.

MR. PAULY: So with that, I think we have captured everybody in the room. Mr. Stull, without any delay. I know you're familiar with the hearing process as I have laid it out, and I am going to go ahead and open it up to you. You will have ten minutes to present to the Council what you would like to go over.

MR. STULL: Yes, thank you very much for having me here, agreeing to having a hearing. I have provided a brief, and this brief lays out the points.

But I want to point out that I
believe that the NFPA standards are the best standards in the world for personal protective equipment. And I can say that because I have participated in practically every process that has been involved in the development of PPE standards. That being, ASTM, ISO, European processes, other private canvass-based processes, and I can say that the rigor that NFPA goes through in putting together standards is something that I hold in great esteem.

The reason that I am here is that I think that there are steps that have been taken in the development of test methods and other criteria within the standards, which have not been properly vetted, which have not been properly substantiated, and create a loss of potential credibility for the NFPA standards process.
Now, in my brief I provide a number of key points, which I am going to certainly go through and highlight, but you have had the benefit of being able to see those. First of all, I am not bringing up, nor do I intend to bring up, technical issues.

The issues that I believe that I am providing are a basis for the Council recognizing that there needs to be improvements in the way that the technical committees, at least within this particular project, conduct business. And those issues relate to the fact that criteria and test methods can be prematurely introduced.

Now, it has been the practice of this committee in the past years, in fact, since I have been involved over the last nearly 30 years, that we have come up with something. We put it in the standard and we hope that it works.
And sometimes that's okay. And sometimes it is because we are trying to address a very specific need, either for safety, test method and technology improvements, whatever.

But lots of times, and more recently, particularly with an institution, you're going to see a lot of amendments coming from this committee.

This committee has already had a teleconference, several teleconferences to go over errata, to go over prospective amendments, all based on issues that have been associated with negatives and brought up in the process, indicating that certain criteria and certain test methods were simply not ready. They may have been appropriate in terms of their intent, but the validation efforts are significantly lacking.

Let me point out the fact
that --

MR. PAULY: We don't have to capture the operator on the record.

(Discussion off the record.)

(Mr. Trebisacci joins via telephone.)

MR. PAULY: Sorry about that, Mr. Stull. Please proceed.

MR. STULL: Not a problem. It gave me a chance to collect my voice.

So I have made several specific points in this brief and I want to highlight just some, certainly, as you go through each of these issues. And there have been several misrepresentations in the negative votes, negative responses to this particular ballot. There are a couple of things that I would like to point out.

I have, even as recent as two weeks ago, witnessed this test method, seeing disparately variable
results in qualifying or
disqualifying products that have
been previously qualified.

Again, this method was
promoted as a way of providing an
improvement and a way of evaluating
firefighter footwear. It was never
intended to provide an additional
level of safety. It was never
intended to meet a specific safety
or health hazard need for the Fire
Service.

One of the things that I think
is something that's very important
and I would like to point out is
that you're going to see another
amendment going through from this
committee. And as I already
represented, this committee has
gone through several painstaking
detailed teleconferences, elaborate
errata, other technical interim
amendments under 1092 that includes
a large number of modifications to
the standard.
Why has this happened? It has happened because, unfortunately, there was activity that was somewhat overzealous. Properly placed, it was intended to provide improvements to the standard, but they just tried to do too much, too quickly and without going through the full paces.

Now, the thing that I think is important to bring up here is that it has been recognized that since this has all transpired and since there has been a process of ROC -- or ROP, ROC, the Nitman Process, which I also attempted to bring forth in this issue, that there has been a recognition that there are problems.

In fact, the chairperson, Steven King, of this committee called me after the standard had been on the streets, so to speak, and he started hearing all the complaints from the certification
organizations.

There are issues with doing this testing or manufacturers who can't test their parts. We can't test these products. There are issues. There are errors in the standards. And he said, you are right.

Now, it is not about me being right. It is about the fact that the process needs to have certain oversight, which unfortunately didn't occur here.

Now, going forward, the correlating committee that's responsible for this standard, and all the other standards in this project, which relate to specific product compliance for Fire Service and other emergency responder protection, has actually established a task group that is moving forward with supplemental operating procedures. They intend to present at an April summit
meeting for this group.

   It will be led by Casey Grant
from the Fire Protection Research
Foundation and Ken Willett. And I
believe Members of Council have
also been invited. The purposes
for this meeting is to move forward
with the kinds of steps that need
to be undertaken to properly
validate and improve test methods
and provide criteria, because
unfortunately in the past, we have
been the victim of a lot of
amendments because things simply
haven't been ready to go into the
standard.

   So if you go through all these
points, you will see the nine
points I have listed in my brief.
I think I make a fairly compelling
argument for why this amendment
should be approved.

   So why am I here? I mean, I
could have let you just read these
statements. I am here because I
failed to get one vote. There was a one vote difference at the technical committee level that would have made the difference between having the margin necessary for this amendment to be approved or not approved, both on technical merits and emergency nature.

So I can say, well, there was an opportunity, there was a public comment period, there was even another recirculation with this ballot with no changes in voting.

So why would these individuals vote against these proposals? Well, I can only say that there have been instances where this idea of requiring or promoting validation, things like interlaboratory testing, to show that methods are reliable, reproducible, even repeatable, even within one laboratory or field testing, to show relevance of a test method for meeting an intended
purpose, they don't want to hear that.

Some of these individuals have benefitted from being able to move requirements into standards without those such process and such oversight. But the problem is we end up with additional costs to the industry and manufacturers that have to redesign products. It is not to meet a safety need, but to meet some arbitrary artifact of a test method, or those costs get passed on to end users.

And so this standard, having been mature now in its 7th edition, has actually done a fairly good job of providing protection to the Fire Service.

Can it use improvements? Yes. Are there new technologies that are emerging? Yes. Should we have a constant revision process as the NFPA moves forward? Most certainly. But what we cannot do
is to promote methods and criteria that are questionable about the Fire Service. If you look at the endorser for this method, it was the assistant safety chief from the Fire Department of New York. There was disingenuous statements made from negative respondents saying that the Fire Service supported this amendment, or this change. Well, if you look at the statistics in the voting on this amendment, the majority of the Fire Service, including representatives of the IFF, FDNY, major fire departments across the country, are in support of this amendment. So it came down to one vote.

Now, I believe, again, the NFPA has a great process, the best process. I want to ensure this. I am spending my own money to come to this. I took time away from going to a symposium where I presented
yesterday. I flew into Miami, flew
into San Juan, and I fly out this
afternoon because I think this
issue is important.

And I think that NFPA can
still have the most credible,
respected standards in the
industry, if not the world. I
believe that, and I am here to
promote that. And I certainly hope
that you agree with me. Thank you.

MR. PAULY: Thank you,
Mr. Stull. With that, I will open
it up to questions from the members
of the Standards Council.

Mr. Milke.

MR. MILKE: Jim Milke, Member
of Council.

Mr. Stull, you mentioned that
in a conversation, I think you said
with the committee chair, that he
had received complaints of problems
with the new method.

MR. STULL: Well, methods in
general for this standard. So I
want to be clear about this, there were a lot of problems with this particular standard, hence an errata, which was maybe six pages long, and an amendment that is being co-processed at this meeting that had at least five pages of issues and amendments to be addressed.

MR. MILKE: Okay.

MR. PAULY: Mr. Milke.

MR. MILKE: So to follow up, and that the complaints you referred to were not relevant specifically to this change that you're seeking?

MR. STULL: That's right.

MR. PAULY: Additional questions?

Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, Member of Council.

In looking at some of the correspondence here and the TIA voting that was returned from the
different committee members and you
make reference that you missed by
one vote. But related to the
emergency nature of this, there are
some comments here that were sent
back concerning that from their
view, that testing has been
successfully completed by, I guess,
at least one lab and one
manufacturer. So there is some
level of successful testing that
they are noting, and I would just
like you to comment on that.

MR. STULL: I appreciate that,
because that's something I would
really like to address. To me, a
standard has to stand on its own.
It has to have specifications that
allow anyone to run the test and to
run it repeatably, which means they
have results consistent within the
laboratory and reproducibly among
all laboratories.

Now, I know that the NFPA
doesn't use the same process of
precision bias that SAT does, but
the same principles apply in test
methods and their application.

I vehemently disagree with the
fact that if one laboratory can
perform a test, that it makes it
reliable and suitable for all
laboratories. There is something
wrong if another laboratory using
the same method, tries to run,
can't run the test properly, and
gets different results.

I have personally witnessed
this test many times, seeing one
sample pass, one sample fail,
another sample fail differently
with the same practice.

When I was going through the
process of questioning this test,
from the correlating committee,
there was a video that was sent.
And I hope that that video was made
available to you.

The video shows the state of
the test at the time after ROC.
There is a fishing pole, basically, or a stick with a boot hanging over a pan of flame, heptane that's on fire, and some crude shutter that was a crude attempt at providing a shutter to control exposure.

I asked, how do you calibrate this? No response. I asked, what are the detail specifications for this test? No response. And it was a joke in front of committee. They said, you know, we will fix it later.

One of the aspects of this reproducibility raised into question is that, in fact, and Dave Trebisacci can speak to this, that as I put this amendment forward, we had two teleconference attempts to identify issues with the standard. NFPA had been due diligent to rigorously go through and determine appropriate errata on this standard, at which I said there is six pages.
And the NFPA staff allowed the opportunity to say, are there any other problems? One laboratory said no problem. Everything is okay. Another laboratory says, we have got lots of issues. We can't run some of these tests. We have to change some of these tests.

Now, here is why I think this is important. There is communications between both labs, as there should be in this industry because they are working for the same purpose, to certify products to provide a minimum level of safety and health for firefighters. I mean, it is a great motive and a good reason to cooperate between laboratories.

The one laboratory said there were problems, but didn't want to come out and admit that. And I think that's unfortunate because I think if that sentiment had been presented, then there would --
In fact, if Dave Trebisacci
would point out, or hopefully will
point out on my behalf, there was
an attempt to run this amendment on
this very same issue that would be
competitive to make changes in this
test method. Both the chair, the
correlating chair, and
Mr. Trebisacci, I believe,
encouraged that party not to put
the amendment in because there
would be a conflicting amendment
before you today. And that came
from the one laboratory that said
there were no problems.

So there really are problems.
In fact, as I have said, this
council, unfortunately, is going to
have do deal with some other
issues.

And I hate to bring up an
unrelated issue, but right now
probably no firefighter hoods will
be able to be certified to this
standard. Maybe one or two will be
passed.

There is a gross error in the standard, which was attempted to be fixed. And without getting into the detail of it, it wasn't rectified properly. So there is going to have to be another amendment and some other amendments on some other things that you're going to see.

And all this has to do with new criteria and new test methods, which should have been validated and they haven't been. And this is undermining the credibility of their standards.

I believe your standards are incredible. I have put thousands of hours into the NFPA process to try to write good standards, and I believe that that effort has always been worth it. But when these kinds of things happen, I think it sets like right now.

Again, moving forward, the
NFPA is taking steps. They are looking at how task groups are being run, which I think was a problem here. They are looking at setting up a special meeting of our correlating committee to look at validation methods, which a task group has already proposed specific steps.

They include things like determining the need, substantiating that need, seeing what the impact is on products, running interlaboratory testing to see if the method is reproducible, and establishing the relevance of the test method, versus the criteria through either field testing or some other approach.

This isn't some accident that this is happening now. It is happening because of this process and these problems. And I think, again, there is a chance to do this.
Now, why am I here again?

Because of one vote and because I think that this is, to me, the worst of all the methods that was put in without proper validation. And I would ask you, if you haven't looked at that, to look at that videotape and see if you think that that test in the manner in which it is presented is appropriate for a test method to determine the health and safety of firefighters at the ROC level. It wasn't, in my opinion.

MR. PAULY: Additional questions?

Mr. O'Connor.

MR. O'CONNOR: Dan O'Connor, Member of Council.

You alluded, Mr. Stull, to the task group. And I am reading one of the committee members' comments. They said, "The test group performed testing to demonstrate the new test method and voted to
accept it."

Were you a member of the task group?

MR. STULL: I was.

MR. O'CONNOR: And can you maybe elaborate a little bit on the task group process, how you viewed the task group process?

MR. STULL: Certainly, thank you very much for that question, sir.

It was a task group that -- actually, I think one of the problems was what this task group -- it was a task group --

First of all, let me explain that 1971 standard. The standard is on structural firefighter ensembles. It covers garments, gloves, boots, footwear and hoods.

This particular task group covered three of those elements, gloves, helmets and footwear. They had hundreds of pages of potential changes on an already mature
standard. The task groups were convened, convened regularly. There were minutes taken.

But in this particular process, on this particular test, the origin of the requirement was we had a test. The thought was that the way we tested the boot right now is to have a flame contacting various points of the boot. And they want greater specificity for how those points of contact were determined.

Someone came up with the idea late in the ROP process, before the ROP meeting, we need to have a whole boot test. And they saw some existing method, and they said, why not this? And everybody said, hey, it could be a good idea.

And I wasn't present at that test group meeting, but they said it was a good idea. I was present at the ROP meeting because of the argument against it there. But it
went in. But the proviso was within the task group minutes there, it is not ready yet. We are going to work on it between ROP and ROC. And they did. They did some tests.

    Now, those results were presented. I mean, we tested it and had no problems. Those were the kinds of remarks that were made. Or we tested them and everyone passed.

    And there was always these indefinite pronouns like "they" and "everybody" and other things like that. In terms of a definitive idea, okay, footwear A, manufacturer B, any of this kind of information, even if it is genericized (sic), no such information was provided.

    I asked for it and I didn't get it. So other instances within this committee process, data was presented and said, oh, we can't
give that data to you because we're
going to publish it later on. Not
in this instance but in others.

And I said, "I would like to
have the data as a member of the
committee to be able to make a
decision." I wasn't afforded that
opportunity due to the correlating
committee. And these are some of
the kinds of things we are trying
to address in supplemental
operating procedures.

So this task group may have
enjoyed -- and first of all task
groups may vote, but the process of
task groups are recommendations to
the committee. In this case what
happens, generally, the task group
does a lot of activity, presents a
case in a very general sense
without the detail, and the
committee rules.

And since the committee has
got 400 other issues to deal with,
the time that this particular issue
gets is relatively small. And all
the other issues that were also
begging attention were demanding a
lot of debate and discussion as
well.

So I personally think that the
task group may seemingly have been
operated correctly but, in fact,
was not. There was a lot of
information, hey, take it on faith
that we have done this testing,
that everything is reliable, but we
didn't have that opportunity.

There were opportunities for
that to occur, but it didn't
happen. Matter of fact, let me
point out one other thing. When
the correlating committee saw the
videotape of this test, they said,
hey, go back to the technical
committee.

There is a note, a TCC note on
this ROC, "validate this method.
Do this at least in laboratory
testing. Do field testing to show
Nothing has been done on that. Nothing. And that's why the correlating committee has chosen the path that it has of trying to go through. Hey, we need supplemental operating procedures. We need to do our jobs better as a committee, as a project and a committee.

These project standards are unique within the NFPA process. They have certification requirements. They directly impact firefighter health and safety. It is incumbent on the committees to go through an extensive validation process. And I wish that everyone held that sentiment. I know it is inconvenient and costly, but it is the right thing to do.

MR. PAULY: Additional questions from members of the Council? Ms. Cronin.
MS. CRONIN: Amy Cronin, NFPA staff.

Mr. Stull, all the data that you have presented in your appeal and that you're discussing today, was that presented in front of the technical committee?

MR. STULL: Let me see. Well, the data -- I didn't have any data on -- when you say "the technical committee," at the time of the ROC, all I had was the report of the task group. I didn't have any data of my own to suggest that the method was unreliable.

I believe from my expertise in designing 30 or 40 test methods that have been approved by ASTM that this method had serious problems. And also I recognized that there were issues with other laboratories being able to do this testing, which were not set up to do the tests.

I also recognized that there
is a moving target and that the committee had the concept that they could fix it later if it wasn't right. Again, I don't agree with that, and I have made my sentiments known on that.

So, no, other than through the appeal process and the instrumental amendments, Ms. Cronin. That's probably the most -- I have presented some of these sentiments as part of my reasons in opposing a test method, but collectively, my opportunity has obviously grown since the method was introduced.

MR. PAULY: Ms. Cronin.

MS. CRONIN: As a follow up, Amy Cronin, NFPA staff.

When you presented this TIA, I understand at the ROC, you didn't present it to the TC, but in the process of this TIA, they have seen all the data in being able to finish their votes.

MR. STULL: I made these same
objections. Yes, I have.

MS. CRONIN: Thank you.

MR. PAULY: Jim Pauly, Chair of the Council.

Just a couple things, Mr. Stull, that I have. One, I have heard you talk a couple of times about this test and its repeatability, and being proven across different labs. Is it your contention out of that that the previous test method that you're trying to go back to has been met? I realize it has been around a while. Did it meet all of that criteria when it came into the standard as well?

MR. STULL: Probably not. The fact is the one thing that's going for it -- and I am going to say that there are many criteria within the NFPA 1971 standard which have not gone through rigor of what I would call "a complete validation process" that I would propose, so I
am not going to misrepresent that
information whatsoever.

But it has been successfully
applied. There have not been
issues in the Fire Service for
footwear that's been flammable,
that's caused harm. Of all the
items, it is one of the items that
tends to be more robust in terms of
its protection.

I can say that because I do
fatality investigations. I do
investigations for individual fire
departments. I give product
liability testimony. Is the test
perfect? No, the test was not
perfect. But it was proven and it
was known what this test could do.

MR. PAULY: Thank you. Jim
Pauly, Chair to Council.

So with the new test method
that just went into the standard,
does it -- I mean from what you
have seen, has it or do you believe
it is going to end up in showing
failures of product that otherwise
was certified under the previous
test method?

MR. STULL: Yes, I have
already observed that.

MR. PAULY: Jim Pauly, Chair
of the Council.

As a follow up to that, and I
know, regretfully -- I appreciate
it. I know you're here
representing yourself and your
company and your expertise on a
committee, but I just want to make
sure and clear for the record, do
you have any clients' interests
that were impacted by this change
in test method going from the
previous one to the new one?

MR. STULL: I do work for some
other manufacturers. And as you
know I am classified as a
manufacturer. Would companies be
benefitted? Yes, there would be
some benefits to those companies.

MR. PAULY: Thank you.
Additional questions?
Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, Member of Council.

You had mentioned earlier at an upcoming summit, which I guess different people will be getting involved with to improve the process and test method.

MR. STULL: Yes. This is not this test. But in general, yes.

MR. HARRINGTON: So as it relates to this test method, and this gets to the emergency nature, I guess, aspect of the true emergency and needing to issue the TIA, do you see that effort or do you not see that effort as being able to work itself out over time and enhance the method or enhance the process that's there now?

And as a result, not forcing an emergency nature having to do something right away with this change that you're advocating.
MR. STULL: Well, that's a great question, and I appreciate that question. The summit is a meeting of the correlating committee, and certainly invitees. It is a meeting that the NFPA is sponsoring.

As I said, Casey Grant from the Fire Protection Research Foundation will be facilitator at that meeting. It has got a broad scope of dealing with the future of personal protective equipment standards for this project, of which there is 20 plus standards now.

And a new issue in that summit meeting will be validation, and the work of the task group that the correlating committee appointed last summer will be presented for that group.

Now, to get to your question, will that process of really moving forward from the time, whenever it
is implemented? And it is
uncertain as to what agreement. I
can't anticipate how the
correlating committee will react to
this. I know there are certain
individual interests on that
committee that we will see this
proposal of validation steps as
cumbersome and as costly and as
making it difficult to revise
standards.

But I think the majority will
prevail and agree to this going
forward, including the correlating
Committee Chair, Mr. Bill Haskell.
They will be in support of this.

I personally think, and this
is where I didn't bring these
issues up here, that this
particular method is inherently
flawed from a technical standpoint.

The ability to control the
fuel source, to be able to
calibrate the exposure, the other
aspects, could it be developed into
a better method? Yes, it could be possibly developed into a better method.

Do we have time to do that between now and August? Now, why August? Well, the standard has a proviso that in August, the end of August 2013, is the end of the grace period so manufacturers that are qualified to the previous edition can continue their certification through August 2013.

After that date, the standard says they need to qualify to the new edition. So if we don't make changes in the standard by the next Council meeting, products that may have been compliant that have been serving an adequate purpose for protecting firefighters will no longer be qualified and would be forced with the validity of this testing. And it is more incumbent than you think.

We have testing that qualifies
the product initially, and then
there is following-on testing
that's done on an annual basis.

So you have a variable test,
you pass it the first year. You
test it the second year, you fail.
Same boot, same test, but it is
different. Maybe it is the
construction methods of the item
being tested? Who knows, but
certainly you don't want it to be
the test method that creates that
variability of compliance from one
year to the next.

That's why it is an emergency
nature, and that's why I urge the
Council to vote in favor for this
amendment.

MR. PAULY: Thank you.

Are there any -- Ms. Brodoff.

MS. BRODOFF: Maureen Brodoff.

You mentioned in your
submission the correlation issues
regarding 1971 and some other
standard.
MR. STULL: 1951.

MR. PAULY: I'm sorry. '51?

MR. STULL: Yes.

MS. BRODOFF: Could you speak as to how that would be dealt with if the Council upheld your appeal?

MR. STULL: Well, I have talked to the chairperson of the committee responsible for 1951. It turns out that not only this issue, but several of the issues that are part of the TIA 1092, which enjoyed unanimous support by the committee, are going to have to be dealt with in 1951. Now, I brought that up to staff.

And because the timing of all this was right before Christmas and they said, you know, let's see what happens with this on 1971 before we make all these changes.

Now, 1951, that standard, the committee -- a separate committee that works on that standard, they just took on faith the work that
was done by the committee on structural firefighting protective equipment and incorporated that. They didn't do any due diligence on their own, so this is another issue.

Obviously, we are going to try to deal with it at the summit is how we collectively deal with these issues where you have test methods that somehow morph into different standards when they're intended to be the same but somehow vary between one standard and another.

MR. PAULY: Are there any final questions from members of the Council?

Mr. Bradley.

MR. BRADLEY: Randy Bradley, Member of the Council.

The Fire Service was pushing for a new test method that replicated real life conditions, and the Fire Service was concerned somewhat is what I have gotten out
of this.

MR. STULL: Well, that's not true.

MR. BRADLEY: That's not true?

MR. STULL: That's not true.

MR. BRADLEY: Help me with that.

MR. STULL: That's been represented as a popular myth, that the Fire Service wanted that method. The Fire Service didn't have a problem with this method, the method as it existed.

If you look at the origin in the ROP, this was a comment that was held over from the 2007 edition, put in by a certification lab who said, hey, we have got some problems when you specify contacting the boot in these places. We want better detail in how that's done. That became popular myth.

If you look at -- if that was true, then why would 75 percent of
the Fire Service, including FDNY, which probably has the greatest firefighter thermal burn in use of these boots of any department, be in agreement with this method, and the IFF representing thousands of firefighters?

And Steve King, Chairman, former FDNY member, said, you're right about these issues. He did his job in representing the committee during the Nitman process, during the ROC and ROP process. But he realizes that we have gone a little too far with some of the ways we do our business. And we need to do a better job. And the correlating committees recognize that too.

MR. PAULY: Mr. Bradley, do you have a follow up?

MR. BRADLEY: Real quick.

Randy Bradley, Member of the Council.

But you have members from the
Fire Service that have expressed their concern about not following this test method. I mean, they know the members from the Fire Service who have signed this, so help me with that. If 75 percent of the Fire Service is, you know, for your amendment.

MR. STULL: Well, the fact that there is disagreement among the Fire Service, I would expect that there is disagreement among any interest group, but one of the things that is going to come out in this validation approach is the establishment of need.

What constitutes the basis for making a change or an improvement? Many times it should be a safety concern. We're not addressing a specific area of protection properly. That was not the case here.

What was the case is we're looking at the test method. Can it
be improved? Someone saw something else. Hey, we can do this? If that's the case, why do we test every other item, helmets, gloves, hoods, and, let's see, except for footwear, in the exact same manner as we do the footwear. Everything is tested the same way except for footwear.

There is not a problem with the footwear in firefighting. I can tell you, if I was seeing in my investigations, which I do individually for fire departments, for the IFF, I have done for the firefighter fatality program in the past.

Footwear has not been an issue. There are no issues with flammable footwear. The test is not perfect. That's in the standard. It can be improved. This test creates more variability and more uncertainty, and I don't believe it is reliable.
MR. PAULY: Seeing no other questions from the members of the Standards Council, I will go to closing remarks.

Mr. Stull, I will only offer -- you have given pretty good latitude in how you have answered the questions and so forth. Are there any final comments that you want to make that we haven't covered through your answers to the questions and through your opening remarks?

MR. STULL: There really hasn't been, but what I would like to do is to express my sincere appreciation to the Council, and particularly Linda Fuller, who has been very helpful in assisting me in this process, giving me every latitude in terms of being able to present the information.

I certainly appreciate the opportunity to present here to you today. I also want to thank staff
liaison Dave Trebisacci and his supervisor Ken Willett. They have been helpful. They have listed to my concerns.

I think that the sentiment within this project overall is that we have some issues to deal with. I applaud the NFPA changes in the process to make things more open and transparent, but they're not going to fix some of these issues that I am bringing forward to you today.

And I think the summit is evidence that there are these problems that do have to be addressed. And the fact that one laboratory can perform a method and claims that there are no problems without the physical presentation of information to justify that, is an insufficient basis to warrant the inclusion of a new test method, particularly when there are no safety concerns involved.
So I thank you very much for this opportunity. I hope not to be back here too many times, but unfortunately, as I said, I think you're going to see some other amendments coming forward.

MR. PAULY: So, Mr. Stull, the Council would like to thank you for your participation in this process for you to travel here to present your information. We appreciate this, not only this, but your participation with the NFPA process.

And as I bring this hearing to a close, I remind everyone that the Council will present a written decision, ultimately, on what we decide.

No member of the Council or NFPA staff is permitted to convey any of the information that will be in that position. That position will come solely from the secretary of the Council, Ms. Cronin, and
will be issued at a future date.

So with that, I will bring this hearing to a close.

Again, thank you, Mr. Stull, for being here.

We will go off the record.

(Whereupon, at 1:53 p.m. the proceedings are concluded.)
REPORTER'S CERTIFICATE

I, DEREK L. HOAGLAND, Certified Shorthand Reporter #13445, State of California, do hereby certify that the foregoing is a true and correct transcript of the proceedings had in the within-entitled and numbered cause on the date hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared under my direction.

DEREK L. HOAGLAND

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