4 November 2013

To: Interested Parties

Subject: Standards Council Decision (Final): D#13-21
Standards Council Agenda Item: SC#13-10-1-d
Date of Decision*: 23 October 2013

Dear Interested Parties:

At its meeting of October 22-23, 2013, the Standards Council considered an appeal on the above referenced matter.

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

Sincerely,

Christian Dubay, P.E.
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, S. Everett, L. Fuller, C. Duffy, R. Bielen
Members, Technical Committee on Water Tanks (WAT-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA’s standards development 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 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 an NFPA Standard” 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 1106 on the 2013 edition of NFPA 22, Standard for Water Tanks for Private Fire Protection.

DECISION:
At its meeting of October 22-23, 2013, the Standards Council considered an appeal from Owen Stevens of Fiber Technology Corporation. The appeal requests that Tentative Interim Amendment (TIA) No. 1106 be issued on the 2013 edition of NFPA 22, Standard for Water Tanks for Private Fire Protection. Specifically, the appeal seeks to add a reference to AWWA D121, Bolted Aboveground Thermosetting Fiberglass-Reinforced Plastic Panel Type Tanks for Water Storage in Chapter 2 and Section 11.3.

As background, the proposed TIA No. 1106 was submitted for ballot and comment of the Technical Committee on Water Tanks (TC) in accordance with the Regulations Governing the Development of NFPA Standards (Reg). The ballot passed on merit but failed on emergency nature. Two public comments against the issuance of the proposed TIA, citing lack of emergency nature, were received on the appeal. Unless the ballot passes on both merit and emergency nature, the recommendation that comes to the Council is to not issue the TIA.

On appeal, the Council accords great respect and deference to the NFPA 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 the arguments put forth 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 yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the reference to AWWA D121 will not be added in Chapter 2 and Section 11.3. The Council notes the appellant indicated his intent to continue working with the TC and the Council encourages the appellant to continue to advocate his position through the full standards development process.