12 November 2013

To: Interested Parties

Subject:

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<th>D#13-22</th>
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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, B. Chase, R. Bielen
   Members, Technical Committee on Foam (FOM-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 as a result take no action on Public Inputs PI-49, PI-50, PI-53, and PI-60 through PI-70.

DECISION:
At its meeting of October 22-23, 2013, the Standards Council considered an appeal from Christos Sideropoulos of FoamFatale Greece Ltd. The appeal requests, for numerous reasons, that the Standards Council reverse the actions taken by the Technical Committee on Foam (TC) on Public Inputs PI-49, PI-50, PI-53, and PI-60 through PI-70 (PIs) in connection with the First Draft of the 2015 edition of NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam.

As background, Mr. Sideropoulos submitted the PIs on the topic of self expanding foam, its associated characteristics and other related technologies. Subsequently, the chair of the TC directed the formation of a Task Group to review the PIs and develop recommendations for the TC’s consideration. The TC took various actions on the PIs as noted in the First Draft Report.

It appears the appeal is based primarily on the TCs handling of the recommendation of the Task Group and the processing of the PIs. In this regard, the Council notes that the TC is not required to formally accept or reject each PI [See, Section 4.3.7.3 of the Regulations Governing the Development of NFPA Standards (Regs)] and that the TC is entitled to create a Task Group to make recommendations for the TC’s action. (See Section 3.1.3.4 of the Regs.)

In any event, this is an appeal that seeks to have the Council intervene mid-way through the standards development process and change the TC’s actions during the Input Stage of the process. The Council would rarely intervene in the TC’s work in this manner and after a review of the entire record, has found no basis to do so in this instance. The Council, as a matter of practice, does not generally consider and act on complaints relating to the development and processing of an NFPA Standard until that processing has been completed and the standard has been forwarded to the Council for consideration together with any appeals. This is because issues which arise during the standards development process may, by the end of the process, be resolved or superseded by later events. More importantly, by waiting until the end of the process to consider appeals, all issues related to the issuance of an NFPA Standard can be considered at once, in context, and with the benefit of a complete record (including the Second Draft Report and the
proceedings at the NFPA Technical Meeting), as well as the maximum interest in input of all interested participants in the appeals process.

If the appellant wishes to preserve the opportunity to appeal at the end of the process, it is imperative that he continue to participate through the entire standards development process including through the submission of relevant Public Comments. Anyone dissatisfied with the outcome may file an appeal with the Council at the conclusion of the process when the document is presented to the Council for consideration of appeals and issuance. Should appeals be filed at that time, the Council’s review will be greatly aided by the full standards development record and the input of any interested parties.