11 March 2011

To: Interested Parties

Subject: Standards Council Decision (Final): D#11-2
Standards Council Agenda Item: SC#11-3-10-d
Date of Decision*: 1 March 2011
TIA No. 1005 on NFPA 70, National Electrical Code®, 2011 edition

Dear Interested Parties:

At its meeting of February 28 – March 1, 2011, the Standards Council considered an appeal on the above referenced matter.

The Council’s decision is now available and is attached herewith.

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, M. Earley, J. O’Connor
Members, NEC Code Making Panel 17 (NEC-P17)
Members, National Electrical Correlating Committee (NEC-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 Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.
SUMMARY ACTION: The Standards Council voted to uphold the appeal and issue TIA No. 1005.

At its meeting of February 28 – March 1, 2011, the Standards Council considered an appeal from Carvin DiGiovanni of the Association of Pool and Spa Professionals, requesting that the Council issue proposed Tentative Interim Amendment (TIA) No. 1005 on the 2011 edition of NFPA 70, National Electrical Code® (NEC). The proposed TIA seeks to modify Section 640.42(B) to create two exceptions such that certain listed self-contained on- or above-grade outdoor spas and hot tubs would be exempt from the requirements for equipotential bonding of perimeter surfaces.

Proposed TIA No. 1005 was balloted through NEC Panel 17 and the Technical Correlating Committee (TCC) of the NEC in accordance with the NFPA Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on merit and emergency nature to establish support for issuance. While the TIA passed the ballot of both Panel 17 and the TCC on merit (technical and correlation, respectively), it failed both the Panel and TCC on emergency nature. When a TIA fails to achieve the recommendation of the responsible Panel and TCC for issuance 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 Standards Council overturn the action recommended by the codes and standards development process, and issue the TIA. The Council has reviewed the entire record concerning this matter and has considered the written arguments put forth in this appeal. On appeal, the Council generally defers to the responsible Panel on technical issues, and here the Panel supported the technical merit of the TIA and the TCC supported the correlation merit. The TIA, however, failed the ballot on emergency nature by one vote with Panel 17, and three votes with the TCC. The question of emergency nature is one on which the Council gives less deference to the judgment of the Panel and TCC since evaluation of emergency nature often involves issues of a non-technical nature that the Council itself has an obligation to evaluate to ensure fairness in the treatment of subjects addressed by TIAs. The Council concludes the TIA meets the test of emergency nature and accordingly has voted to uphold the appeal and issue TIA No. 1005.
Tentative Interim Amendment

NFPA 70®
National Electrical Code®
2011 Edition

Reference: 680.42(B)
TIA 11-1
(SC 11-3-10/TIA Log #1005)

Pursuant to Section 5 of the NFPA Regulations Governing Committee Projects, the National Fire Protection Association has issued the following Tentative Interim Amendment to NFPA 70®, National Electrical Code®, 2011 edition. The TIA was processed by Panel 17 and the National Electrical Code Technical Correlating Committee, and was issued by the Standards Council on March 1, 2011, with an effective date of March 21, 2011.

A Tentative Interim Amendment is tentative because it has not been processed through the entire standards-making procedures. It is interim because it is effective only between editions of the standard. A TIA automatically becomes a proposal of the proponent for the next edition of the standard; as such, it then is subject to all of the procedures of the standards-making process.

1. Revise 680.42(B) to read as follows:

680.42(B) Bonding. Bonding by metal-to-metal mounting on a common frame or base shall be permitted.

Exception No. 1: The metal bands or hoops used to secure wooden staves shall not be required to be bonded as required in 680.26.

Exception No. 2: A listed self-contained spa or hot tub that meets all of the following conditions shall not be required to have equipotential bonding of perimeter surfaces installed as required in 680.26(B)(2):

(1) Is installed in accordance with manufacturer’s instructions on or above grade.
(2) The vertical measurement from all permanent perimeter surfaces within 30 horizontal inches (76 cm) of the spa to the top rim of the spa is greater than 28 inches (71 cm).

Informational Note: For further information regarding the grounding and bonding requirements for self-contained spas and hot tubs, see ANSI/UL 1563 – 2009, Standard for Electric Spas, Equipment Assemblies, and Associated Equipment.

Issue Date: March 1, 2011
Effective Date: March 21, 2011

(Note: For further information on NFPA Codes and Standards, please see www.nfpa.org/codelist)

Copyright © 2011 All Rights Reserved
NATIONAL FIRE PROTECTION ASSOCIATION