NATIONAL FIRE PROTECTION ASSOCIATION
STANDARDS COUNCIL HEARING

AGENDA ITEM 11-3-15
TENTATIVE INTERIM AMENDMENT 1020

APPELLANT:  Sam Francis
            American Wood Council

Day/Date:  Monday, February 28, 2011
Place:  Caribe Hilton Hotel
        Los Rosales Street
        Boardroom 8-9
        San Juan, Puerto Rico
Time:  12:57 p.m. to 1:36 p.m.

Reporter:  Marty E. McArver, RDR, CA-CSR, GA-CCR, CLR
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APPEARANCES

JIM PAULEY, CHAIRMAN
Square D. Company/Schneider Electric

Amy Beasley Cronin, NFPA Secretary

Linda J. Fuller, NFPA Recording Secretary

Maureen Brodoff, Esq., NFPA Legal Counsel

STANDARDS COUNCIL MEMBERS

Kerry M. Bell, Underwriters Laboratories, Inc.
Shane M. Clary, Bay Alarm Company
David P. Demers, Demers Associates, Inc.
Ronald R. Farr, Michigan Bureau of Fire Services
J.C. Harrington, FM Global
Roland J. Huggins, American Fire Sprinkler Assoc.
Joseph M. Jardin, New York City Fire Department
Fred M. Leber, Leber/Rubes Incorporated
Danny L. McDaniel, Colonial Williamsburg Foundation
James A. Milke, University of Maryland
Richard P. Owen, Underwriters Laboratories Trustee
Michael D. Snyder, Dow Corning Corporation

ALSO PRESENT AS OBSERVER
Andy Wandell, NFPA Staff
MR. PAULEY: I'll call this meeting of the Standards Council to order.

We are currently going to take on a hearing. It is Agenda Item 11-3-15.

In a moment I'm going to ask the members of the Standards Council and staff -- I'll go around and ask them to introduce themselves for the record.

Then I'll ask everyone else in the room to introduce themselves for the record.

Then I'll go over, very quickly, how we're going to do the hearing today.

My name is Jim Pauley. I'm Chairman of the Council.

MS. BRODOFF: Maureen Brodoff. I'm on NFPA staff and legal counsel to the Standards Council.

MR. MILKE: Jim Milke, member of council.

MR. HARRINGTON: J.C. Harrington, member of council.

MR. HUGGINS: Roland Huggins,
MR. CLARY: Shane M. Clary, council member.

MR. OWEN: Richard Owen, member of council.

MR. McDANIEL: Danny McDaniel, member of council.

MR. FARR: Ronald Farr, member of council.

MR. DEMERS: David Demers, member of council.

MR. JARDIN: Joe Jardin, member of council.

MR. LEBER: Fred Leber, member of council.

MR. SYNDER: Michael Synder, member of council.

MR. BELL: Kerry Bell, member of council.

MS. FULLER: Linda Fuller, NFPA staff.

MS. CRONIN: Amy Cronin, NFPA staff and secretary to the NFPA Standards Council.

MR. PAULEY: Sam, do you just want
to introduce yourself for the record?

MR. FRANCIS:  Sure.

Sam Francis, American Wood Council.

MR. PAULEY:  And, Andy, if you'll --

MR. WANDELL:  Andy Wandell, NFPA staff.

MR. PAULEY:  Thank you.

A couple of things about the hearing, as we get started. One, as you all figured out, the stenographer is recording this session. So I'll remind everyone to please preface your remarks with your name so that we can ensure that we get the record accurately attributed to the correct individual.

Also, the way I'm going to do the hearing today is, Sam, I'm going to give you about ten minutes to basically lay out for the council your views on this TIA.

We do have all of the written material that's been in front of us, and the council members have had that material. So I would encourage you...
not to go back over exactly the written material, but if you'd kind of use that ten minutes to sort of sum up where you see this needing to go from your perspective.

I'll then open it up to questions from the members of the Standards Council.

When we close those, I'll give you about five minutes to wrap up, and that's how we'll conclude the hearing today.

So I'm going to turn it over to you now.

MR. FRANCIS: Thank you.

Ladies and gentlemen, I'm Sam Francis, American Wood Council.

Some of you know me as American Forest & Paper Association. We're now two entities, separate but the same -- or the same but separate.

I forget.

I'm the appellant, I believe.

My memory -- I'm old as the hills now, and you'll have to forgive these
brief lapses of memory.

I'm the appellant in this TIA 1020 issue. And, frankly, I came down here because it seems to me the council has to answer for itself three questions, really.

And that is has the process, has the procedure been followed? Has due process been given to all parties? But, mostly, the rules and regulations you-all developed, have they been followed?

Secondly, there's a TIA here, a Tentative Interim Amendment. Is it of an emergency nature that needs to move forward separately from other processes?

And, thirdly, are there substantive issues within this TIA that were properly addressed in the processing of the TIA, or did that get left behind somehow?

Well, specifically with respect to the process, I just want to reiterate the definition of consensus, right out of the regulations, and that's
"substantial agreement" -- this is an excerpt -- "substantial agreement means much more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered and a concerted effort be made toward their resolution."

At the June Technical Session, I, among others, submitted NITMAMs. And the association voted to return 654 to the committee.

The committee rejected that.

I appealed that to you-all.

And the Standards Council supported that, sent it back. And, among other things, that decision said that it would be returned in conformance to 4.4.7.3 of the regs that says you're going back, not opening it for new proposals but, rather, to deal with the existing ROP.

And, further, in that section, by the way, it requires then that the committee take that ROP, issue a new call for comments, which would then supercede all previously filed public...
and TC comments, and then do a new ROC.

Instead, the committee developed a TIA based on previous comments, which is at least, in my mind, a violation of the spirit of the Standards Council decision in August of last year, if not the exact letter of that decision, saying go back to the ROP, call for comments, and so forth.

And coupling that to the definition of consensus -- a concerted effort be made toward a resolution -- I submit to you, that's no effort to resolution. That's a bypassing of the rules in an attempt to put forward those committee proposals and subsequent committee comments that were developed, which is not what this committee asked.

And alls we were asking for is an opportunity to go back to committee and have our comments in the ROC given due consideration.

In an e-mail to committee members, the chair observed that some people -- myself -- represented an industry, the

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American Wood Council, that was not subject to 654.

That's kind of true. Our members in the American Wood Council are interested in wood and wood products. And 664, of which I am a member, would apply.

But our members also have interests -- they do business that's regulated by 654. So our member companies have an interest in this.

Furthermore, in the rules it says anyone may make a comment. So I would like to think that I fall within the category of anyone. And, therefore, our comment should be given the same weight and consideration as anyone else's.

Okay. So much for process.

Emergency. What of the emergency? There are six factors you have to consider. Is there an error or omission overlooked during the regular process?

This is our third appeal to the Standards Council. I don't think we've overlooked much, nor has the committee.
This is pretty well thrashed out.

There's no conflict within the document. In fact, I would submit to you, if you look at the proposed TIA, it will create an internal conflict in 654. I believe that you all have received an e-mail from --

Oh, who the hell sent that in...

I've been copied on so much, I've lost track.

-- a law firm. And I think that they've correctly pointed out that in 6.1.3 there are two conditions, an (a) and a (b) -- 1(a), 1(b), 2(a), 2(b) and, frankly --

This is the one that talks about 1/32 of an inch versus a 1/64 over 5 percent of the area.

And, frankly, you can never get to the 1(a) condition or the 1(b) condition except in one specific instance where the unlikely case of the volumetric measurement exactly equaling the area measurement. It's a rare, never-to-occur case. You
never get to (a). That's a
misrepresentation of those
conditions as an option.

Item C under emergency, does the
TIA address a previously unknown hazard.

I don't think so. In their
discussion in the ROP, the committee
never mentioned any substantiation.

But in response to our comments
in the ROC, a specific research project,
1983, was referenced.

So this is -- And, in fact, one
of the committee members has written a
paper regarding that, in 1992. This
isn't news.

Is there evidence to support the
conclusion that the proposed TIA would
lessen a recognized hazard?

Well, I'll come back to that in
a moment. The short answer is no.

And does the TIA advance the art
or -- Our position is it's merely a
change in the subjective perception
of risk and mitigation of that risk
or acceptable risk. There's simply
nothing of an emergency nature.

Further to that point, I submitted
to you-all the transcript of the hearing
in Las Vegas for the Technical Session.
And on Page 64 of that transcript, a
testifier testified that --

This was John Cholin, by the way,
a member of 654.

John said: "We have time to do
this right. There's no need to rush.
So while there's... merit in the
proposal --"

And at that point, the moderator,
Mr. Clary said, "One minute."

John's train of thought, anyway,
there's no need to rush. And a TIA is
a rush. This is the fast-track because
we don't have time to wait for the ROC,
and we're on the short cycle anyway.
So do we need to rush? No.

And, by the way, committee chair
was there and was offered the chance
to comment, and did not refute that --
and I quote -- "We have time to do this
right."
So from an emergency point of view, I submit to you-all, no emergency exists. These items should be considered in the ROC process.

And that's all we came asking for the first time, the second time. And that's all I'm asking you-all for this time. We'd like for our point of view to be given full consideration and we'd like to have reasonable chance to work it out with the committee.

Technically, is there anything wrong with the TIA? Well, yeah, but I don't want to spend -- You got document after document submitted to you. I'll just focus on one thing. The TIA took what was in 6.1.3, I believe, a dimension of 1/32 of an inch.

And, by the way, this is one of the things that the membership focused on. Who, among NFPA members, are enforcers, fire marshals, for example? If we did what the ROC asked us to do, it would take weeks to determine if a facility was in compliance, because
we would no longer be able to go out,
measure to see if the dust layer
exceeded a 32nd of an inch.

Now we had to do -- not optionally;
we had to do bulk density -- measure a
weighted average of dust distribution.
And to do the determination of density,
we had to take that back to the
laboratory. And, by the committee's
testimony, that's going to take weeks
to determine.

So the 1/32 of an inch was the
focus. The TIA drops that to a 1/64 of
an inch. No reason for dropping it to
that level. Moreover, that number has
never appeared in any of the literature
that they've cited in their comments.

But in terms of substantiation,
back to the hearing testimony,
Mr. Cholin also said that in the thirty
years I've been dealing with combustible
dust, investigating accidents, I've
never performed an investigation where
the deflagration occurred in a facility
that complied with the current edition
of 654. In every incident we've investigated, it could have been prevented by merely complying with the current document, which was, at that time, the 2006 edition of 654.

Moreover, former OSHA Chief Edwin Foulke said, in his press conference after the Imperial Sugar incident, which led to much of the current furor about dust, quote, "The investigation concluded that this catastrophic incident could have been prevented if Imperial Sugar had complied with existing OSHA safety and health standards."

"OSHA" -- This is not part of the quote, but part of the New York Times article quoting him. "OSHA also cited two General Duty Clause violations," violations of acceptable national consensus standards, which includes 654.

MR. PAULEY: Sam, if you could, begin to start to wrap up a little bit.

MR. FRANCIS: So if you look at Mr. Cholin's ballot statement, he
offered a table that shows you locations that have had incidents, and the dust layers -- just look at it -- between a foot, 12 inches. And the smallest was at the Shoe Tree Plant, which was 2 inches of dust. And so on that basis we're going to drop it from 1/32 to 1/64 inch, and create other problems within the document? I think not.

The only data ever submitted to substantiate or to refute the necessity of these changes has been offered by Mr. Cholin, which says that if we only had compliance with the existing standard, these incidents would not have occurred. That is substantiated by the testimony of the chief of OSHA.

So I think this TIA fails, first, procedurally, because we didn't go back to the ROC. I haven't had a chance to substantially work out differences with the committee. It failed procedurally.

Second, it fails to rise to an emergency nature.

And, third, it's not even
technically sound within itself, and
will create a conflict within the
document.

Thank you very much.

MR. PAULEY: Thank you.

I'm now going to open it up to
questions from the members of the
Standards Council.

MR. HUGGINS: Roland Huggins,
council member.

Sam, it was identified in the
paperwork that was submitted, to some
degree; but, very briefly, what would
be the ramification or the impact on
industry if this went through?

MR. FRANCIS: Well, if you accept
that OSHA implements this via the
General Duty Clause, there's a huge
cost impact. Literally --

Remember, folks who have submitted
comments to you include the feed and
grain association. And they represent
food processors as well as animal food
processors.

The American Forest & Paper
Association, 75 percent of the paper industry. American Wood Council.

American Chemistry Council, I have no idea how large of the industrial segment they represent.

But you've got comments from a lot of people. And I would submit to you that because OSHA applies these standards retroactively, and you have every facility in America, from a mom-and-pop sawmill up to DuPont's big plants --

I know that Georgia-Pacific says it's going to cost them $80 million to retrofit without the TIA. So it's a staggering amount of money to comply, because it will be applied retroactively.

But that's a whole other question. I'd love to spend a little time on the retroactivity from OSHA.

But the answer is it's a big impact and a very expensive one, for no improvement in risk mitigation that I can tell. The data doesn't support
MR. PAULEY: Mr. Bell?

MR. BELL: Kerry Bell, member of council.

The submitter's substantiation in the second paragraph suggests that the existing text in the body of 654 doesn't provide sufficient guidance for determining a dust deflagration hazard.

In your opinion do you think the existing standard provides sufficient guidance, and it's providing for consistent interpretation out in the field?

MR. FRANCIS: Yes. The short answer is yes. And that's because it is not -- Yes, it's not specific and very narrowly focused. And that's what we would call engineering judgment.

In answering your question, you have a letter from John Cholin. And John said, "Hey, I voted for this. Then I changed my vote because I tried to apply it to one of my clients, and I couldn't do it."
And I talked to John before coming here to see what—all had transpired with him. And among the other things he told me, he said that he and John Valiulis wrote Appendix D initially for 664, of which I am a member. And it was intended to be an example of how to apply it so that engineers could exercise engineering judgment in mitigating risk.

MR. PAULEY: Mr. Harrington?

MR. HARRINGTON: J.C. Harrington.

Sam, I think you mentioned that your industry is involved more closely in 664 than 654. But do you also have industry reps that sit on 654 that participated in this subject during ROP/ROC or --

MR. FRANCIS: Yeah, I'm employed by American Wood Council. And specifically the American Wood Council's focus is more onto building codes and standards, makers of wood and wood products.

But those companies like Georgia-Pacific, Boise Cascade, and
Weyerhaeuser, among the several hundred member companies, also have facilities involved in paper and so on. And, yeah, one of our members sits on 654. Brice Chastain represents Georgia-Pacific on 654.

MR. HARRINGTON: And he participated in these subject discussions as part of the PASS cycle process, ROP/ROC? He was at the meetings --

MR. FRANCIS: At the meetings?

MR. HARRINGTON: He participated in the discussions? He was present there?

MR. FRANCIS: To the best of my knowledge, some of them.

MR. HARRINGTON: Okay.

MR. FRANCIS: I know that his schedule didn't permit him to attend one meeting in the ROC phase, which was hastily called. I think he had only a week's notice. But, yeah, he attended most.

MR. HARRINGTON: Okay.
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MR. PAULEY: Mr. Clary.

MR. CLARY: Yes. Thank you.

Shane M. Clary, council member.

Mr. Francis, in looking at the ballot results for this TIA, the first ballot, one person, individual, voted against. That was Mr. Chastain, who obviously represents --

MR. FRANCIS: Yes.

MR. CLARY: I take it, is he a directed vote of your association?

MR. FRANCIS: Is he a directed vote?

MR. CLARY: Right.

MR. FRANCIS: No.

MR. CLARY: Okay.

MR. FRANCIS: He represents himself -- Georgia-Pacific, as a company.

MR. CLARY: Who happens to be, then, a member of --

MR. FRANCIS: Right.

MR. CLARY: Okay.

MR. FRANCIS: Coincidentally a member of ours.
MR. CLARY: Okay. Then it looks like, on the re-ballot, of course Mr. Cholin switched his vote. And then Mr. Febo, do you happen to know who he represents?

MR. FRANCIS: Febo?

MR. CLARY: Right.

MR. FRANCIS: I think he works for FM.

MR. HARRINGTON: Yeah, he works for FM Global.

Just clarifying his question.

MR. CLARY: And I thank Mr. Harrington for the clarification.

I guess my point is, of the members that were eligible to vote, 29, one did not return. So 25 on the committee voted to accept this TIA, and only 3 disagreed.

So I guess -- And I don't wish to put words in your mouth. But obviously in the consensus-based process -- and, you know, we have a balanced committee -- they all agreed that the TIA was valid.
So what are they seeing that basically these organizations that have sent in -- or what are they not seeing that these organizations that have sent in the written testimony are not seeing?

MR. FRANCIS: I think you just asked me what am I not seeing?

MR. CLARY: No, no, no.

What is the committee not seeing --

MR. FRANCIS: Oh.

MR. CLARY: -- that these various trade associations that are having -- I mean, obviously they're saying that there's an emergency nature to make this change --

MR. FRANCIS: Yes.

MR. CLARY: -- from the 1/32 of an inch to the 1/64 of an inch. In a consensus-based committee, 25 members agreed with the TIA. And, yet, all these various trade organizations are saying, wait a second, time out, whoa.

MR. FRANCIS: And in the documents I submitted to this council is a copy of an e-mail from another member who failed
to get his change of vote on time, so...

MR. CLARY: Correct.

MR. FRANCIS: I'm tempted to just say to you I respectfully decline to answer, simply because I didn't want to get into this aspect of the development.

MR. CLARY: Okay.

MR. FRANCIS: We've only come here asking for a chance to participate fully and be heard, as was directed in your August decision. And the committee did something else.

What are they missing? I don't know.

MR. CLARY: Okay.

MR. FRANCIS: If I knew, I would have written it down in my comment to them.

MR. CLARY: Okay. Fair enough.

MR. FRANCIS: We believe it's not an emergency and it isn't even substantiated by the research report 1983, that they submitted.

And if I may elaborate on just that one point, the National Grain
and Feed Association ponied up a million-and-a-half dollars to have FM do that research to try to come up with some solutions to these kinds of problems. They wanted to know, what can we do in our grain elevators to prevent dust explosion hazards.

Well, what the research found was embraced in old editions of the code, so --

I'm sorry. Anyway, it's not that -- This is being cast as industry versus the world. And, frankly, we're interested in mitigating these hazards, because OSHA is now coming around and fining violators substantial amounts of money.

Before OSHA came around in 1983, we ponied up millions of dollars. That's substantial. But now you're talking about billions to incorporate the requirements of a TIA, because every operation in America involved in creating dust is in instant violation, instantly.
MR. CLARY: So OSHA would now be enforcing the TIA?

MR. FRANCIS: Yeah. They already -- Well, they're already, under the General Duty Clause, enforcing NFPA documents, including 654. And they've indicated that, yeah, they'll have that one at your door next week.

MR. CLARY: Okay. Thank you.

MR. PAULEY: Mr. Jardin.

MR. JARDIN: Joe Jardin, member of council.

Mr. Francis, in your testimony you stated that as a follow-up to that council decision following the return to committee decision, that the technical committee took the action of attempting to issue this TIA in lieu of some other direction. You know, that's what it sounded like.

MR. FRANCIS: Yes.

MR. JARDIN: Can you explain to us what, to your knowledge, the committee is doing as a follow-up to that return to the committee action in regards to
MR. FRANCIS: Well, frankly, this is the second TIA that's come out in response to this.

I was looking for a report on proposal, and I haven't seen it, so that we can begin to develop comments to work with those members of 654 to do what the definition of consensus says, which is achieve some reasonable consensus on the question. And I haven't seen any of those things.

This is the second TIA attempting to implement what was in their comments and the committee proposals, which is what the association rejected in the first place.

I don't know what they're doing. I'm not a member of that committee. This is what I've seen.

MR. PAULEY: Mr. Demers.

MR. DEMERS: David Demers, council member.

What's the take on this issue by the pharmaceutical industry? I haven't
seen anything coming from them, and
it's certainly -- Dust is certainly
a big issue with the pharmaceutical
production.

MR. FRANCIS: I don't know. I
only -- I only know about Grain and
Feed and Chemistry and so forth because
they submitted comments and I read their
material, and I have contacted some of
those individuals.

I don't -- I don't know what their
position is. And I believe that, like
the American Wood Council and AF&PA, I
think the pharmaceutical industry has a
similar relationship with the American
Chemistry Council. I think there's
crossover there as well. I don't know
what they're thinking.

MR. DEMERS: Thank you.

MR. PAULEY: Additional questions?

Jim Pauley, chair to council.

Just a question from -- just so I
have a general understanding, although
the wording may be different, I'm
presuming that the topic, the subject,
of the TIA was also in or debated during
the 654 cycle that ultimately just
passed and ended up being returned.

So with respect to the point that
you're raising about how do I measure
this or what is the level or is there
a hazard --

MR. FRANCIS: Yeah.

MR. PAULEY: -- was there debate
that went on during the last cycle over
this same topic?

I mean, obviously the committee
arrived at a position on that that got
returned. But I'm trying to understand
how much is repeating that same issue,
what's new, and did the debate occur.

MR. FRANCIS: There was debate over
that. This was, in fact, part of --

The sections that are questioned
were subject of NITMAMs. And it was
covered in the Annual Technical Session
discussion.

The difference here is that we're
now -- Well, it changes its application,
was guidance in Appendix D, to make it
mandatory.

But the discussion of those items
had occurred. And the response is now
to lower it. In my mind, at the annual
session, the idea that I couldn't just
go measure the thickness of a layer of
dust but, rather, I had to collect the
dust, I had to measure its density, its
moisture content -- and, in fact, in
the original proposal, I had to know
the size of the fibers. And I couldn't
do that. So a fire marshal coming out
is ill equipped to do that.

What we've done now is essentially
negate the provision that was debated on
the floor about separation by distance
and how much dust could occur in that
separation; and we're now applying a
new dimension, 1/64 of an inch rather
than 1/32, to the condition. So the
numbers are changing.

But, yeah, these subjects were
part of the discussion at the ROC and,
again, at the Annual Tech Session.
MR. PAULEY: Thank you.

MS. BRODOFF: This is Maureen Brodoff.

The way I understand this TIA is that it's a clarification of the provisions on the dust layer depth criteria in 654.

Is it your position that the dust layer depth criteria in 654 currently is clear?

MR. FRANCIS: Yes.

And Appendix D was not intended -- It's a boundary condition.

The authors tell me their intent was only to offer an example of how to apply good engineering to the conditions that were in Chapter 6 and 7 of the text of 2006. John Cholin and...

Good old what's his name. I said it before, just --

MR. LEBER: John Valiulis.

MR. FRANCIS: Dr. Valiulis, yeah, who had the coolest job in America, and left. He got to blow things up for FM all the time. I thought that
was just the coolest job there was.

MR. PAULEY: Ms. Cronin.

MS. CRONIN: Amy Cronin, Standards Council's secretary.

As a follow-up to Maureen Brodoff's question, the 1/32 of an inch criteria that exists now in the document, do you believe that properly characterizes the hazard regardless of the dust type when compared to the bulk density method?

MR. FRANCIS: Well, firstly, the bulk density can be applied. I don't think that the current Chapter 6 prohibits it. That's part of an engineer's duty, to apply that. And I think John Cholin's letter to you-all goes to that point.

And, secondly, we don't disagree that there's merit in the proposal.

Back to the ROP -- The disagreement between industry and the committee has never been that these notions have no merit whatever, but, rather, the manner in which they are implemented into the text.
And our comments were completely disregarded. And what's been happening is we're getting farther apart instead of closer together.

I think that 1/32 -- Look at the TIA. Now it's no longer in a distribution. So if you had collected the dust in the room and put it into a container to make it safe, if it's 2.6 cubic feet in a thousand feet of building -- 2.67 cubic feet will fit in a 60-gallon trash can -- you're in violation. Because the way that TIA is written, it can be in a single pile or enclosed in a container.

So the TIA has created internal conflict and made it nearly impossible to comply.

And, in answer to your question, 1/32 existed, and you could apply bulk density. That's what good engineering judgment is about.

The appendix from which that was taken was intended, written by Cholin and Dr. Valiulis, to clarify how you
could do that.

MR. PAULEY: Jim Pauley, chair of
the council.

I guess, just dovetailing a little
bit on that point, the issue that you're
raising about conflicts that it creates
within 654, were these raised during
the discussion, debate, and balloting
of the TIA? I mean, are these also the
subjects of the public comment, of --

MR. FRANCIS: I believe that we
raised this question during the comment
on the TIA. But, frankly, I don't
remember. I believe so.

MR. PAULEY: Other questions?

Okay. I'll close off the questions
at this point.

And, Sam, if you've got any wrap-up
at all -- I mean, we've kind of had a
back-and-forth dialogue, but if you have
any wrap-up or final comments that you
want to make or --

MR. FRANCIS: No, sir.

I don't believe that it rises to
the nature of an emergency, creates
conflict, and doesn't meet the process requirements that you-all laid down last August. That's my wrap-up.

MR. PAULEY: Great. Thank you.

With that, I'm going to bring the hearing to a close.

I want to remind everyone involved that the ultimate decision of the Standards Council will be issued in writing from Ms. Cronin, the secretary of the council.

No member of the council or member of NFPA staff is permitted to convey the results of that discussion or the hearing. That written decision will be the only way that the ultimate decision of the council will be conveyed.

With that, I will bring this hearing to a close.

We are off the record.

(Whereupon, at 1:36 p.m. the proceedings are concluded.)
REPORTER'S CERTIFICATE

I, MARTY E. McARVER, Registered Diplomate Reporter with the National Court Reporters Association, California Certified Shorthand Reporter No. 2769, Georgia Certified Court Reporter No. 2563, Florida Professional Reporter, and Certified LiveNote Reporter, 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.

____________________________
MARTY E. McARVER

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