NFPA STANDARDS COUNCIL MEETING

ONE BATTERYMARCH PARK

QUINCY, MASSACHUSETTS

TUESDAY, AUGUST 9, 2011

MORNING SESSION

8:00 a.m.
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PROCEEDINGS

THE CHAIRMAN: Good morning everyone.

Welcome to this meeting of the NFPA Standards Council. I'm pleased to welcome everyone here today.

We're going to begin with the first hearing in a moment, and when I do that I'm going to ask everyone in the room to introduce themselves.

I do want to remind everyone that for these hearings today we do have our stenographer that is taking a recording of these hearings, so it is very important that you preface your remarks with your name and your affiliation so that we can make sure that we capture that on the record.

The first hearing that we're going to kick off with today is the hearing on Agenda Item 11-8-24 and, Mr. Koffel, I believe you are the appellant in this case.

MR. KOFFEL: That is correct.

THE CHAIRMAN: Again, I'll ask the members of Council to introduce themselves first and then we'll make sure we capture everyone in the room.

My name is Jim Pauley and I'm chairman of the Standards Council.
MS. CRONIN: Amy Cronin, Standards Council secretary.

MS. FULLER: Linda Fuller, NFPA staff.

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

MR. MILKE: Jim Milke, member of Council.

MR. LEBER: Fred Leber, member of Council.

MR. DEMERS: David Demers, member of Council.

MR. JARDIN: Joseph Jardin, member of Council.

MR. HUGGINS: Roland Huggins, member of Council.

MR. McDANIEL: Danny McDaniel, member of Council.

MR. SNYDER: Michael Snyder, member of Council.

MR. OWEN: Richard Owen, member of Council.

MR. CLARY: Shane M. Clary, Standards Council member.

MR. BELL: Kerry Bell, member of Council.
MS. BRODOFF: Maureen Brodoff, NFPA staff and legal counsel to the Standards Council.

THE CHAIRMAN: We'll start over here.

MR. FINNEGAN: Dan Finnegan, Siemens Industry, guest.

MR. COTE: Ron Cote, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. SOLOMON: Robert Solomon, NFPA staff.

MS. COLLETTE: Kristin Collette, NFPA staff.

MS. GOLINVEAUX: Tracy Golinveaux, NFPA staff.

MS. BALLESTER: Susan Ballester, NFPA staff.

MS. HOUSEWRIGHT: Meghan Housewright, NFPA staff.

MS. KENNEY: Lynne Kenney, NFPA staff.

MS. RUBINI: Valerie Rubini, NFPA staff.

MR. KLAUS: Matt Klaus, NFPA staff.

MR. DUFFY: Chad Duffy, NFPA staff.

MR. ZAREMBA: Tom Zaremba, the Alliance for Primary Fire-Rated Glazing Manufacturers.

MR. PAULS: Jake Pauls, independent
consultant, observing.

MR. KOFFEL: William Koffel,

Koffel Associates.

THE CHAIRMAN: Thank you. This hearing,
as we'll proceed with all the hearings today, I'm
going to ask the appellant -- give them ten minutes
to speak. Amy will be keeping time on that. I'll
let you know when you have about one minute left.

Is there anyone in this particular
hearing that's speaking in opposition to the appeal?
If we had those there would be another ten minutes
over there, but that will shorten this up a little
bit.

After doing that I'll open up for
questions from members of the Standards Council. And
then I will ask for any final remarks to close out
the hearing. Mr. Clary.

MR. CLARY: Shane Clary member of the
Council. I would like to note for the record that
I'm a non-voting alternate member of the Technical
Correlating Committee on Safety to Life.

As a Correlating Committee member I
participated in consideration on issues that appear
to be related to this appeal.

I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide to consider whether there is any reason for me to recuse myself from consideration of this appeal.

I've concluded that I do not have any views that are or would appear to be fixed concerning the issue and I am fully able to give open and fair consideration to this appeal.

For the record, therefore, I have considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you, Mr. Clary.

This particular item deals with NFPA 101 and the issuance of TIA No. 1024. Mr. Koffel, please proceed with your remarks.

MR. KOFFEL: Thank you, and my remarks will be very brief. I know that council has read the appeal. For the record, I would like to state that I am not here representing either the Life Safety Technical Committee on Fire Protection Features or
the Life Safety Technical Correlating Committee or
the client interests that we have on the Life Safety
Technical Committee on Fire Protection Features, the
Glazing Industry Code Committee.

I merely submitted this appeal because I believe the TIA should be issued with the document to correct an error that was made during processing this edition of the Life Safety Code.

During the balloting of the TIA, the ballot passed for both the emergency nature and the technical argument for the fire protection features.

Under the Correlating Committee ballot the ballot passed for correlation but failed to achieve a three quarters majority on emergency nature, and that's really the subject of the appeal.

After reviewing the ballots I felt that there were two arguments that the ballot -- the negatives that were contained in the negative ballots.

One was that the document or the TIA should not be processed at the same time the document is. I think there's a distinct advantage to processing the TIA at the same time the document is
released in that the language will be contained within the body of the document.

The second argument was that the factors presented in the TIA did not constitute an emergency nature and I believe that there was an error or omission made during processing of the document.

I've provided the details in the appeal.

So for those reasons I would request that the Council issue TIA 1024 and the language proposed in the TIA be included in the 2012 edition of the Life Safety Code. Thank you.

THE CHAIRMAN: Thank you. I open it up for questions from the members of the Council.

Ms. Brodoff.

MS. BRODOFF: Maureen Brodoff. Bill, are you saying you're not representing any interest?

MR. KOFFEL: I am not.

MS. BRODOFF: Is this a glazing issue that is before the Council?

MR. KOFFEL: It is a glazing issue and that's why I disclosed that. Really the issue is whether a provision that affects existing elevator hoistways -- and we identify what the label
requirements for that glazing -- should be included in the table, in accordance with a proposal that was submitted by board and care.

THE CHAIRMAN: Additional questions.

Mr. Huggins.

MR. HUGGINS: Roland Huggins, Council member. It was just interesting to note that some of the negative comments indicated a concern over conflict with NFPA 80.

Do you want to elaborate on your opinion of whether or not such a conflict exists?

MR. KOFFEL: Yes, I will. And again, I am a member of the Technical Committee on Fire Doors and Windows, not representing them.

But NFPA 80 includes a provision relative to the retroactivity -- the standard retroactivity clause and how it applies to exiting applications.

And the technical issue here is merely a line in the table that addresses existing elevator hoistways. So I do not believe a conflict exists.

MR. HUGGINS: Thank you.

THE CHAIRMAN: Additional questions. Jim Pauley, chair of the Council. I guess, Mr. Koffel,
1  just for the record a couple of the -- As you
2  mentioned, it passed on technical merit and folks
3  seem to be focused in on the emergency nature piece
4  of this.

5             Could you just very briefly for the
6  record reiterate the issues as to why this could not
7  have been done as a NITMAM or at the annual meeting,
8  because that seemed to come out in some of the
9  ballots on emergency nature, that this could have
10  been proposed as a change and therefore a TIA wasn't
11  necessary.

12             MR. KOFFEL: Okay. The -- What happened
13  was that prior protection features processed a public
14  proposal to create a table, as is proposed in this
15  TIA, to identify the label requirements for glazing
16  that's used in different applications.

17             However, that table had some flaws in it
18  during the proposal period, so Fire Protection
19  Features processed the proposal but had a recommended
20  to reject the change.

21             Board and Care -- and I'm not a member of
22  that committee but I presume during the review of the
23  actions being taken, they noticed that there was an
error in the code, and in the proposed table as well,
that did not contain language previously in the code
for elevator hoistways having a 30-minute fire resistance rating and what the glazing should be in that application.

So they submitted a proposal to change the code. That proposal was submitted on 2009 edition text.

When Fire Protection Features reviewed the table during the comment period, they developed a table but they did not include the action taken by Board and Care.

So if someone had proposed a motion to accept a proposal from Board and Care, it would not have correlated with the action Fire Protection Features took during the comment period because there wasn't a table there.

And what Fire Protection Features did is they subdivided a category in the table so that -- again, it would not have been a clean fit to insert that right into the table.

There was no action that could be taken on the public comment that Fire Protection Features
processed because, again, we failed to include the
language that Board and Care had proposed.

So I honestly think that the only motion
that could have been made would have been to accept
the proposal, but you wouldn't have been able to
accept the proposal the way it had been proposed by
Board and Care.

And before when we had a process where
people would sometimes make a motion at the meeting
and say, I'm doing this just to kind of indicate that
I need to go to the Council to correct this, that
would have really been the only action available.

You could not straight accept that
proposal. There still would have been a need to
correlate the language with the revised table.

THE CHAIRMAN: Thank you. Additional
questions. Mr. Jardin.

MR. JARDIN: Joe Jardin, member of
Council. To that issue of the proposal from Board
and Care related to this comment that I guess is
motivation for your TIA, did that proposal not delete
the entire elevator row, I guess is my question, and
was that proposal 101-174a?
MR. KOFFEL: That is the correct proposal number. I'll have to check it but I thought that proposal added language for the 30-minute elevator shaft. Their concern was that that language was missing. But I will check that.

MR. JARDIN: And if that's the case, how does it relate -- If in that proposal we did away with that entire elevator row, how does that reconcile with what was done in the comment?

MR. KOFFEL: If you give me just a second to pull the comment up, or the proposal. Well, rather than take the time in the Council at this point, I believe the issue would have been if we delete the entire row, then we're giving no guidance as to what to do with elevator hoistways, whereas the intent of the table is to be very specific, what label requirements are you looking for for glazing in the various applications.

And the code would end up being silent on elevator hoistways at that time. It would not tell you the fire protection rating, nor would it tell you the label requirement.

THE CHAIRMAN: Mr. Jardin.
MR. JARDIN: Just a follow-up then. Your opinion as the TCC chair, how would then -- if in fact that elevator row was removed -- and it doesn't seem that this Comment 101-98, you know, reflects recognition of that -- how does the document proceed?

MR. KOFFEL: Can you ask the -- I'm not sure I understand your question, Joe.

MR. JARDIN: My question is it looks like the proposal that was accepted deleted that entire row having to do with elevator hoistways and included elevator hoistways under the row that deals with vertical shafts.

The comment that was then subsequently accepted reengineered that table to include or put back elevator hoistways but didn't seem to recognize this Proposal 101-174a.

MR. KOFFEL: You are correct that the comment did not recognize the action of Proposal 101-174a.

And if you look at the substantiation, the Technical Committee on Board and Care Facilities did not see the need for a separate row for elevator hoistways. They felt it could be combined with
shaft. If you look at the table that's contained in the TIA, you will notice that there are technical differences between the amount of glazing and the requirements for that glazing if it's in an elevator hoistway as compared to a vertical shaft.

So if you combine those two back together, you're going to lose that difference between elevator hoistways and shafts.

And that's why the motion -- Now that I have the proposal in front of me, that's why that motion would not have solved the problem.

That would have created another issue by now combining those two entries and losing the elevator hoistway requirements.

THE CHAIRMAN: Any additional questions?

Seeing none, Mr. Koffel, any final closing comments?

MR. KOFFEL: No, sir.

THE CHAIRMAN: Thank you very much. I appreciate you being brief with your remarks and being able to bring that. With that we're going to bring this hearing to a close.
I want to remind all the participants in this process that the Council will deliberate this issue and a decision from the Council will be issued as a written decision and will only come from the secretary of the Standards Council Miss Cronin. No other member of NFPA staff nor member of the Standards Council will convey any information about that decision. Only that written decision will be the communication that we use.

So with that I'd like to bring this hearing to a close and if we have our next series of appellants I'm going to ask them to go ahead and take a seat at the table. And we're going to move directly into the next hearing, hearing number two, which has to do with Agenda Items 11-8-7-b-2 and 11-8-7-b-1.

I understand Mr. Zaremba is the appellant in this case. Is anyone speaking in opposition to this appeal? I don't see any so --

MR. KOFFEL: Mr. Chair, I'm here if you need relative to being chair of the Technical Correlating Committee.

THE CHAIRMAN: Thanks, Mr. Koffel. I
I appreciate that. I don't think there's any new people in the room so there's no additional introductions that need to be made.

So Mr. Zaremba, you sort of heard -- As we do this, I'm going to give you about ten minutes to kind of do your opening remarks and describe -- Also understand there are -- we really have two agenda items, one from a Mr. Crimi as well, but it's on exactly the same issue as what your appeal is, so that's why we have two of these being heard as one appeal.

So I'm going to ask you to use your ten minutes to open it up for questions from the Council and then go on. Doctor Clary, do you have a --

MR. CLARY: Yes. Thank you, Mr. Chair.

Shane Clary, member of Council. I would like to note for the record that I am a non-voting alternate member of the Technical Correlating Committee on the Safety to Life.

As a Technical Correlating Committee member I participated in consideration on issues that appear to be related to this appeal.

I have therefore reviewed my obligation
under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide to consider whether there are any reasons for me to recuse myself from consideration of this appeal.

I have concluded that I do not have any views that are or would appear to be fixed concerning these issues and I am fully able to give open and fair consideration to this appeal.

For the record, therefore, I have considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you, Mr. Clary.

Seeing no other hands from my Council members -- This issue, by the way, for the record, deals again with NFPA 101, has to do with Certified Amending Motion 101-3. So Mr. Zaremba, I'm going to turn the floor over to you.

MR. ZAREMBA: Thank you, Mr. Chair. I will also make my comments very brief. There are two appeals pending; one that was submitted on behalf of the International Firestop Council by Mr. Crimi, and
one by myself on behalf of the Alliance of Primary
Fire-Rated Glazing Manufacturers.

And the procedural history of this
particular issue as a part of the Life Safety Code is
relatively straightforward.

Mr. Crimi, on behalf of the Firestop
Council, submitted a proposal. The Technical
Committee considered it at the proposal stage and it
was -- did not achieve a majority. In fact it was a
fifty-fifty vote of the Technical Committee.

As a result, two comments were submitted;
one by Mr. Crimi, 101-89, and one by myself which was
101-90.

There were identical comments. The only
difference was that 101-90 did not include the annex
note that was included in 101-89.

That also came before the Technical
Committee and it was nearly passed but not quite.

61.9 percent of the Technical Committee, falling
slightly short of the two thirds majority necessary,
voted to adopt the comment that Mr. Crimi had
submitted. And it voted similarly to adopt 101-90.

Given that both of those comments failed
by only a single vote on the Technical Committee,

NITMAMs were filed both by Mr. Crimi and by myself

which sought review basically by the NFPA membership

at the annual meeting here in Boston earlier this

year.

The matter was debated on the floor

and -- That is, 101-89. And by a hand vote the

moderator was able to determine that the matter

passed the membership test, two thirds of the

membership voting -- or more -- voting in favor. As

a result, I withdrew 101-90.

The matter then became a resubmission of

the proposal back to the Technical Committee with

virtually the same result as before the NFPA

membership vote.

This time it was a 65.2 percent in favor.

Again, just short of the 66 percent necessary for

passage.

It's also been brought to my attention

that Mr. Holmes has submitted a document or a letter

to the Council indicating that -- some reasons as to

why he voted no as to the matter when it was before

Technical Committee but was in favor of this
particular proposal becoming a part of NFPA 101.

The provision that my appeal rests on is

Rule 3.3.6.1 which is the definition of consensus.

And a consensus is determined by Standards Council
and it requires substantial agreement by much more
than a simple majority and by materially affected
interest categories has been reached after all
reasonable objections were considered and a concerted
effort was made toward the resolution.

And for reasons that we've spelled out in
the brief that we submitted or the appeal document
that we submitted to this Council, we believe that a
consensus has been achieved, particularly in light of
the significant vote by the NFPA membership to
support inclusion of this provision as a part of NFPA
101. Thank you.

THE CHAIRMAN: Thank you. I'll open it
up to questions from the members of Council. Jim
Pauley, chair of the Council.

I guess, Mr. Zaremba, I'm trying to look
at the ballots, actually, that came through after the
annual meeting vote.

And as you pointed out in your statement,
it fell -- Technical Committee ballot -- of achieving
what we establish as the level of meeting consensus
which is two thirds of the committee.

Is there anything relative to those
ballots that is materially inaccurate or anything --
I mean, the TC members appear to have voted how they
voted so I'm trying to understand what essentially
out of those TC member ballots is different than what
the record is in front of us.

MR. ZAREMBA: Mr. Chairman, the only
issue that I can see that would provide responsive
information to counsel is that, having sat through
both the proposal and the comment phase of the
Technical Committee, the Technical Committee at the
actual meetings where these issues were debated
vigorously voted to adopt.

The failure came in the subsequent
written ballots. And frankly, the negative balloting
came from TC members who did not attend or
participate in the robust discussion at the actual
meetings.

So the issue would pass muster at the
vote itself taken by the committee in attendance, but
failed the written ballot, perhaps for that reason.

But the negatives -- Many of the negatives, not all, but many of the negatives, were cast by individuals who were not present to hear what was truly a very robust and informative debate among the Technical Committee and the proponents.

THE CHAIRMAN: Thank you. Any other questions from members of the Council? Miss Brodoff?

MS. BRODOFF: Yes. Some of the comments note that if your issue were accepted, that it would place the document in conflict with NFPA 5000. Could you comment on that?

MR. ZAREMBA: The NFPA 5000 did indeed have virtually the identical provision that is being proposed in Comment 101-89. The Technical Correlating Committee recommended because this issue had not passed 101, that it be deleted from NFPA 5000. So it was deleted from 5000 without, frankly, full development of the proceedings including those which are currently before you relative to the inclusion of that same provision in NFPA 101.
Additionally, it is my recollection that the Technical Correlating Committee recommended removing it from 5000 not on the basis of any technical justification for removing it indicating that it was substantively somehow an inappropriate provision, but solely on the basis that it had come before 101 and had not yet passed.

THE CHAIRMAN: Thank you. Other questions? Seeing none, Mr. Zaremba, any final comments to close out?

MR. ZAREMBA: No, sir. Thank you very much for your time.

THE CHAIRMAN: Great. Thank you. We appreciate you being here. Appreciate your time in the NFPA process and participating in the standards process.

I'll reiterate as I did with the last decision, again, only a written decision will be issued from the Standards Council. Miss Cronin, the secretary of the Council, will issue that decision.

No member of NFPA staff or member of the Council is permitted to convey any information regarding the decision of the Standards Council.
So with that I will close out this hearing and I'm going to -- I think we have to do a rotation of people coming in. I believe -- Linda, is everybody all there?

MS. FULLER: Yes, they're right there.

THE CHAIRMAN: All right. So with that, we are going to move directly into hearing number three. This deals with Agenda Item 11-8-7-d and this has to do with NFPA 101 and Certified Amending Motion 101-7.

I'm going to ask the gentlemen that all came into the room -- We've been on the record this whole time so everybody's has been in the room, has been recorded on the record. But if you just came in I'm going to ask if you'll introduce your name and affiliation so we can capture that for the record, please.

MR. HOLLAND: My name is Joe Holland. I'm with Hoover Treated Wood Products.

MR. BUESCHE: I'm Dave Buesche, Hoover Treated Wood Products.

MR. YOUNG: George Young, Hoover Treated Wood Products.

MR. ARCHER: Kevin Archer of Viance.

THE CHAIRMAN: Does that capture everybody? And gentlemen, just so I'm clear, you're the appellants in this case. Who's going to be speaking? Mr. Holland, is that you?

MR. ZAREMBA: Mr. Holland and Mr. Buesche.

THE CHAIRMAN: Is anyone speaking in opposition to this particular appeal? Mr. Koffel, I note again for the record, as TCC chair you are in the room so we'll -- we can call on you if needed.

So gentlemen, what we'll do is I'm going to give you about ten minutes for you to make your -- ten minutes total for you to make your remarks to the Council.

We'll then open -- We'll keep time up here. I'll let you know when you're down to about a minute left just so you can begin to wrap things up.

I'm going to open it up then for questions from the members of the Standards Council and we'll take those questions and then any closing
1 remarks that you might have, and that's how we'll
2 close the hearing. So before we begin, Mr. Clary, do
3 you have a statement please?
4
5 MR. CLARY: Shane M. Clary, member of the
6 Council. I would like to note for the record that I
7 am a non-voting alternate member of the Technical
8 Correlating Committee on Safety to Life.
9
10 As a Technical Correlating Committee
11 member I participated in consideration on issues that
12 appear to be related to this appeal.
13
14 I have therefore reviewed my obligation
15 under the Guide for Conduct of Participants in the
16 NFPA process, particularly Section 3.5(d) of the
17 guide, to consider whether there are any reasons for
18 me to recuse myself from consideration of this
19 appeal.
20
21 I have concluded that I do not have any
22 views that are or would appear to be fixed concerning
23 the issues and I am fully able to give open and fair
24 consideration to this appeal.
25
26 For the record, therefore, I have
27 considered the matter and believe that I can fully,
28 fairly, and impartially fulfill my role as a Council
1 member on this appeal.

THE CHAIRMAN: Thank you. With that,

Mr. Holland, I'm going to turn it over to you to

start things off, please.

MR. HOLLAND: Not being that familiar

with your procedure, one of the things I would like

to do if possible is to divide the question because

there's two issues going on here.

I've outlined four arguments in our

appeal. Because of time constraints we're really

going to touch on two of them.

The first one has to do with whether or

not the Contents and Furnishings Committee actually

has the responsibility for this particular section in

the building code.

We feel it does not and we have handed

out evidence this morning to back up that position.

So what we would -- I don't know if you take votes

here or not, but the first item that we'd like you to

consider is whether or not this particular committee

has the responsibility for taking a position on this

issue or if it really belongs with a different

committee.
THE CHAIRMAN: Jim Pauley, chair of the Council. Let me try to help -- and I appreciate you asking the question from the procedural perspective.

Essentially what the Council will do today is this time it's for you to make your arguments on whatever issues that you want to be able to bring before the Council.

So if you want to split the question up, the Council will not take a vote on either of those items. What we'll do is take all of this information from you that we do in the hearing today.

The Council deliberate that in executive session. We'll issue a written decision on the appeal in total.

So if you feel it's easier to talk about these separately in the ten minutes that you have and you'd like to do it that way, that's really up to you to how you want to organize the material.

But we won't -- It almost was going as if you would like for us to divide question 1 before you went on to question 2.

And the answer to that is no. We'll hear you out in total and then render our decision after
we go into executive session.

MR. HOLLAND: Great. Kind of what I figured. I was hoping it wouldn't be that way but that's kind of what I figured it would go.

So first issue is whether or not this committee really has the responsibility for this particular section of the building code. Our position is it does not.

Like I said, I've handed out some information for you in that regard. If you look at the second page, item number 4 there, where we talk about what the scope of the committee is -- I'm going to read it for you.

This is the Committee on Furnishings and Contents. This committee shall have primary responsibility for documents on limiting the impact of furnishings and building contents' effect on protection of human life and property from fire and other circumstances capable of producing similar consequences on the emergency movement of people.

Then the next page shows you what the section is that they have amended. And they added, In new construction, surfaces of walls, partitions,
columns, and ceilings shall be permitted to be
finished with factory-applied fire-retardant coated
assemblies.

And this is the key word. They're
talking about assemblies. Even though they're
referring to surfaces of walls they're talking about
assemblies.

I'm going to come back to this page when
we start talking about the second issue. The next
page where we pulled the definition of contents and
furnishings out of 101 says, Any movable objects in a
building for functional, operational, or direct --
decorative reasons, excluding parts of the building
structure, building service equipment, and items
meeting the definition of interior finish.

So when you look at the definition of
contents and furnishings, it does not include
interior finish.

And then the next page -- I should say on
the back of that page it has a definition of interior
finish; the exposed surfaces of walls, ceilings, and
floors within buildings.

In order to assist the Council in
reaching a decision, we wanted to let you know that there were two other committees that would have responsibility or should have had the responsibility for this particular section in 101.

One of them could be the Committee on Building Code. The scope of this committee is the committee shall have primary responsibility for documents or portions of documents on the design and construction of every building or structure including structural design, methods and techniques, as well as design of integrated building systems for health, safety, comfort, and convenience.

The second committee is the Committee on Structures, Construction and Materials. This committee shall have primary responsibility for documents on the protection of human life and property from fire and environmental loads due to selection and design of structural elements and assemblies, construction technologies and methodologies, and on the application of building materials which is -- this is the key phrase -- used in the construction of buildings, structures, and related facilities.
So based on that information we feel that either the Committee on Construction Materials -- Structures, Construction Materials, or the Building Code Committee should have been the committee that this code change went to or this proposal went to. So that concludes our arguments on whether or not that committee actually had it. So the next thing we want to talk to you about really has to do with the durability of the material itself, and I'll have some samples here that I want to pass around.

This is an example of the coatings that this particular section would permit. In this case it's put on OSB, which you have all of this material on the back that's not coated at all. They just coat one side of the material.

In this particular case I just used a wet rag and rubbed the coating as you would if you were going to clean the wall of an interior finish. And you can see that it's not very durable. So that's one of the problems with this section is there's no information in here that would assist the owner in trying to determine what the
effects of abrasion, possible degradation of the materials through exposure to water and other solvents from cleaning, degradation of the coatings from exposure to light, aging, or the application of other non-fire-retardant coating.

It's silent on that, but what it does say is when you go back to that page out of the Report on Comments where it says, Fire-retardant coatings or factory-applied fire-retardant-coated assemblies shall possess the desired degree of permanency and shall be maintained as to retain the effectiveness of the treatment under the surface conditions encountered.

That's really silly. That's not really good code language. What we're saying is we're going to allow you to use this material in the building but we don't know how it's going to perform.

I don't know of any other area where that is acceptable. So we are concerned about the durability? And as I said, I passed this one — Here's another one for you where I did the same thing.

I just took a wet rag, no solvents or
anything on it, just plain water, and rubbed it off.

It also doesn't stay on the material very well.

I have other ones here I'm not going to pass around, but you can see just from not even rough handling it flakes off.

So this is the kind of material that is listed and labeled that would be permitted for this application.

We're also concerned, because of the word assemblies in there, that this material could be in a concealed space, which brings us to the last page of your handout which are four photos that I took in Hillsborough County, Florida last year of a job where this material was put into the building.

In this particular instance it's going to be concealed but it's also walls and the roof sheathings.

In the first picture here where the print is on the bottom, left-hand corner -- I mean right -- bottom right-hand corner, in the upper left-hand corner, that piece of wood looked pink at one time, but being exposed to the conditions during construction, all the paint's come off. You can
1 actually see whether it's flaked off and laying on
2 the floor of the building.
3 So there are some real concerns about
4 durability. They've not been addressed in the code
5 change, and so that's why we're asking that it be
6 returned to the 2009 edition.
7 And if it's to be considered further, it
8 should be sent to the appropriate committee. Dave
9 has some comments for us also.
10 THE CHAIRMAN: Thank you.
11 MR. BUESCHE: Thank you, Mr. Chairman. I
12 was asked to speak about --
13 THE CHAIRMAN: If you would just state
14 your name again for the record.
15 MR. BUESCHE: Dave Buesche, Hoover
16 Treated Wood Products. And I was asked to speak
17 about -- a little bit about the testing for fire
18 retardant-treated wood.
19 Why in this case are we asking that this
20 coated product be tested for 30 minutes? Actually,
21 that's the requirement for fire retardant-treated
22 lumber and plywood that's pressure impregnated.
23 And the E-84 or UL 723 tunnel test is
1 used as a screening test for fire retardant-treated
2 wood. It needs to meet an additional requirement for
3 this extended 30-minute period.
4 And it has some requirements such as
5 flame front can't exceed ten and a half feet and show
6 no significant progressive combustion.
7 These are all terms that go back to the
8 original qualification of the products through UL.
9 There's a handout that I have of four PowerPoint
10 slides.
11 And the first item -- The first slide
12 there is looking at the original UL labels, talking
13 about fire hazard classification of this
14 construction.
15 So this was originally qualified through
16 the small-scale E-84 UL 723 test based on performance
17 in a full-scale white house test or UL 1256.
18 If a product hasn't been previously
19 tested in that full-scale test, then the E-84 test is
20 not appropriate for that particular screening, if you
21 will.
22 So in any case, the point that I'm making
23 here is that a 30-minute period is inappropriate.
And since this product’s never been tested in a full-scale test it is certainly inappropriate for a 30-minute rating. So thank you very much.

THE CHAIRMAN: Great. Thank you, and I appreciate both of you staying to the time frame that we have. So I’m going to open it up now to questions from the members of the Council. Mr. Huggins.

MR. HUGGINS: Roland Huggins, Council member. On the examples you handed out, I assume you were using those because they are listed in accordance with the one section that you identified.

MR. HOLLAND: That's correct. This is a material that would be permitted under that.

MR. HUGGINS: Well, it would be listed.

The question I have is under the second section you identified, wouldn't you just reasonably argue the degree of permanence which you were talking about, you know, is not necessarily an aspect of the listing but isn't it just reasonable that it doesn’t satisfy that section?

So I’m curious on why you are using that as an example. Is it based solely upon the listing or what you see per se in the industry?
MR. HOLLAND: If I understand your question, you're saying that the listing would not address the permanency.

MR. HUGGINS: Correct. I'm assuming it doesn't. I guess my question is since it doesn't seem like that complies with the one section 10.2.6.3, then, you know, is it a valid example to be used for what's going occur in the industry?

MR. HOLLAND: The reason why I brought it up is by looking at this, you'd have no idea how durable the coating is.

It's listed and labeled, which that means that it's been tested to E-84, and that there is an agency that's doing the follow-up inspection. That's basically what listing a label mean.

The point is once I put it in the building, that says that now the building owner is going to be responsible for trying to determine how permanent that coating is. And we feel that that is a silly requirement. That's inappropriate.

A part of the testing for this material should be how durable is the material. Is it going to be able to withstand the environment into which
1 you're putting it?

2 That says that you've got to do that.

3 That .3 says you've got to do that, but it doesn't

tell us how to go about doing that.

5 So we're saying there should be some test

6 standards either in the code or somewhere that says

7 for these types of coatings -- and maybe 703 which is

8 fire retardant-treated wood and fire retardant

9 coatings is a place for that -- says that for

10 abrasion, for durability, for the environment that

11 we're going to be putting this into, there needs to

12 be some testing that's done before we allow this to

13 be put into a building. Not just that it's got a

14 flame spread of 25 or less.

15 MR. HUGGINS: Thank you.

16 THE CHAIRMAN: Mr. Harrington.

17 MR. HARRINGTON: J.C. Harrington, member

18 of Council. I'm just trying to clarify for myself

19 what we're looking at here.

20 And from what I understand, it seems like

21 the proposed language that you have issue with

22 doesn't negatively restrict the use of your product

23 but I guess, rather, it permits the use of a product
that you feel is inferior to this degree and such, if it were returned to the original language, it wouldn't allow those products that are now being able to be introduced? Is that really what's at the root of what we're looking at or --

MR. HOLLAND: No. I think you could still do it. If you have a material that's been fabricated in a factory and it meets the requirements of the building code, then you could put that into the code. You could put that in.

A good example would be -- Well, you don't have ceiling tile in this room, but the ceiling tile in that room over there, it's fabricated in a factory, it's got a fire retardant in it, and it's been tested to E-84 and it's used in new construction.

So any item or material that can meet that test would be allowed to be used.

MR. HARRINGTON: Just as a follow-up, the current language that you're suggesting that we were to return to, I guess that language wouldn't permit even these factory products that you're referring to or that language would permit these products, too?
MR. BUESCHE: If I may, I believe the new language says new construction, and so that's what we have issue with is where it says new construction.

MR. HARRINGTON: Okay.

MR. HOLLAND: But the point being, J.C., is that as with the ceiling tile that has a fire-retardant coating in it, I'm saying that if it's done in a factory, that you could use it in new construction.

And so this section creates additional problems which I really didn't cover. It has to do with the 30-minute test.

Now -- There's something like the ceiling tile or something that's put into a factory that only had a 10-minute test; now you've got to go back and test it for the 30 minutes?

THE CHAIRMAN: I'm just going to remind everybody, too, because -- particularly as we get into questioning, remember to state your name for the record so we can make sure we attribute the right comments to the right person.

I know that's often difficult because we
1 tend to just go back and forth in our discussions,
2 but we really want to make sure we get the remarks
3 attributed correctly. So Mr. Clary.
4 MR. CLARY: Thank you. Shane Clary,
5 member of Council. In looking at the -- both the
6 proposals and the comments, was this type of product
7 allowed for new construction or is it allowed in the
8 current edition of the Life Safety Code?
9 MR. BUESCHE: Dave Buesche, Hoover
10 Treated Wood products. No.
11 MR. CLARY: Thank you. And during the --
12 I'm assuming that you did review all of the proposals
13 that were submitted during the ROP stage for 101.
14 MR. HOLLAND: Yes.
15 MR. CLARY: Okay. At that time during
16 your review of the proposals, was this particular
17 product in the proposal submitted allowed for new
18 construction?
19 MR. HOLLAND: Joe Holland, Hoover Treated
20 Wood Products. The original proposal was recommended
21 for rejection by the TC.
22 The member of the Technical Committee
23 came back with a different proposal that reworded it
to allow basically what the proponent wanted but added some additional information to it.

The TC then massaged that and added the word assemblies which is where we feel creates the additional problem.

But the basic problem is this committee is supposed to be dealing with contents and furnishings, not the structure of the building.

MR. CLARY: I understand that. Okay.

I'm just trying to see at what point did this requirement for new construction show up.

MR. HOLLAND: During the comment phase.

MR. BUESCHE: Dave Buesche, Hoover Treated Wood Products. It was an ROC.

THE CHAIRMAN: Thank you. Mr. Bell.

MR. BELL: Kerry Bell, member of Council.

Just a question on the application of these requirements.

Do these in your mind apply to the interior finish or is it something more than that?

I'm not getting that clear in my head.

MR. HOLLAND: I'm sorry. I didn't hear you.
MR. BELL: These requirements that have been accepted by the committee, do they apply to the interior finish only or is it to more than the interior finish?

MR. HOLLAND: Joe Holland, Hoover Treated Wood Products. That's a good question, and we feel that because they added the word assemblies in there, that it would be something that could be behind the wall, not just something that's on the interior of the building because of the word assembly.

MR. BELL: Okay. Just another question.

Kerry Bell, member of Council. How do these requirements relate to NFPA 703 which I believe is currently referenced in this --

MR. HOLLAND: Joe Holland. 703 covers both coatings and fire retardant-treated wood. This language is the language that you will find in the fire retardant-treated wood section of 703. It has nothing to do with coatings.

MR. BELL: Thank you.

THE CHAIRMAN: Mr. Jardin.

MR. JARDIN: Joe Jardin, member of Council. Mr. Hoover, in the opening of your
1 testimony when you referred to the concern over
2 committee scope, I thought I heard you mention that
3 you thought that the Building Code Technical
4 Committee that handled this comment or, you know,
5 produced this result that you have an issue with, was
6 in fact that, a Building Code Technical Committee,
7 and then you referenced other committees that in your
8 opinion may be a better home for this topic that
9 again were possibly within the building code arena.
10
11 Recognizing that this is a Life Safety
12 Code appeal, did you intend to, you know, target the
13 Life Safety Code Technical Committee process or did
14 you intend to mention building code? I just wanted
15 to find out if that was purposely mentioned.
16
17 MR. HOLLAND: I should have said -- Joe
18 Holland, Hoover Treated Wood Products. I'm an old
19 building code person, former building official, so
20 that's really my background.
21
22 The Furnishings and Contents Committee
23 has responsibilities for both Life Safety Code and
24 the building code.
25
26 One of the committees that I was speaking
27 to, the Building Construction Committee, is actually
an independent committee that does have responsibilities with the building code as well, but they also do 703's, 221, and 220, which are not a part of the building code project or even the Life Safety Code project. So I should have said Life Safety Code.

These committees could -- The two that I mentioned, the Building Construction Committee or the Structure and Construction Materials Committee, could easily be brought into the Life Safety Code arena to handle this particular subject area.

THE CHAIRMAN: Jim Pauley, chair of the Council. I guess, Mr. Koffel, I'm going to call on you if I could maybe as to whether or not from the TCC perspective, do you have any comments with respect to this issue that's been raised about jurisdiction of the furnishings and contents and material they currently operate with as it relates to this proposal?

MR. KOFFEL: Thank you. Bill Koffel for the record. Jim Lathrop represented the committee during the association meeting discussion and he's a member of the committee.
And he pointed out that the concept of interior finishes being considered part of the contents within the building has been practiced in the Life Safety Code for as many editions as I can remember. This committee has had jurisdiction over interior finish.

I would also note that the Building Construction Committee is not under the Correlating Committee for the Life Safety Code project.

So while something like that might work within the Building Code project, it would not work within the Life Safety Code project.

THE CHAIRMAN: Jim Pauley, chair of the Council. Was there any discussion among the TCC about a jurisdictional issue? Did that come up at all?

MR. KOFFEL: I do not recall any discussion on these public comments at all during the TCC meeting.


Mr. Holland, I guess I'll ask -- as I look at the record, you know -- and aside from what you raised in
point one with respect to the scoping issue that you
brought before the Council as to whether or not it's
the committee, but just trying to make sure from the
process perspective that the committee had the
proposals that they operated on.

There were public comments on this topic
that were operated on. I don't know whether you
attended any of those meetings or spoke to the
committee at all, but there were comments made back
on this issue.

I mean, it also was brought to the floor
and so forth. Was there, you know, a point along the
process where it wasn't heard?

I mean, the Council is not a technical
body per se. There's a lot of technical stuff that's
being dealt with in your appeal.

I'm trying to understand from that
process perspective, was there something that didn't
happen in the process that should have happened in
the process, that the committee didn't review or your
proposal wasn't heard or, you know, anything along
those lines?

MR. HOLLAND: Joe Holland. This is not a
committee that we follow. This deals with contents and furnishings.

And it was not until after the comments phase that we knew what was going on here. So we were not involved in the deliberations of this while it was going on because, as I said, this committee deals with contents and furnishings and it's not something that we are involved with, so it's not a committee that we follow.

So we came into the process rather late and that's why we submitted the appeal at the annual meeting is because that was the point at which we saw what was going on and understood that this was not something that was going to be beneficial to life safety and building safety, and that's why we became involved in it.

And these issues that we brought out on the durability, these are the life safety and building safety issues.

You put something in a building. You want it to be able -- You want to know that ten years later it's still going to do what it was put in there originally to do, and I think I've demonstrated to
you that that's not the case.

THE CHAIRMAN: Thank you. Mr. Milke.

MR. MILKE: Jim Milke, member of Council.

In looking at the proposed section 10.2.6.3, am I getting it correct that the only word you have a problem with is assemblies and if assemblies was removed from that proposal you'd be okay?

MR. HOLLAND: No, sir. Joe Holland.

They're talking about interior finish here. Interior finish is an E-84 test. E-84 test is a 10-minute test.

There was no explanation given for why it needed to be continued for an additional 20 minutes and the other provisions that are in there if all we're dealing with is an interior finish.

So the section as written, it creates problems for people who have these kind of materials.

As I said, if I am putting material into the building now -- and I have to go back to my ceiling tile, test it for ten minutes, now I've got to come back and test it for 30 minutes and show these other attributes. There was no reason given for that. None whatsoever.
THE CHAIRMAN: Miss Brodoff.

MS. BRODOFF: Just a quick question to clarify. Is there any Technical Committee within the Life Safety Code project that you think this should have been but wasn't assigned to?

Not building code committees that are not under the jurisdiction of the Life Safety Code. But within that Life Safety Code project, which committee should have had it, if not this one, if you have a view on that?

MR. HOLLAND: I couldn't tell you that but what I can tell you is the Building Construction Committee, as I said in my testimony, is an independent committee that was brought into the building code project to handle portions of chapters of which they could have the responsibility for because of the expertise on that committee.

The same thing can be done for the Life Safety Committee, as you bring this into -- under the umbrella for the Life Safety project just by assigning those duties and having them take care of that.

So it's not -- You know, to me it's not a
major concern. I could go through it but right off
top of my head I don't know of a particular
committee within the Life Safety -- I don't know all
of the committees.

MS. BRODOFF: Thank you.

THE CHAIRMAN: Mr. Huggins.

MR. HUGGINS: Roland Huggins, Council member. I know you mentioned that it did not proceed
on 5000. What's the current position of the ICC
building code on this issue?

MR. HOLLAND: You could only use this
type of material in existing construction.

MR. HUGGINS: So you cannot use the
coated in new.

MR. HOLLAND: In new construction.

MR. HUGGINS: Thank you, sir.

THE CHAIRMAN: Any additional questions?

Seeing none, Mr. Holland, Mr. Buesche, I'll offer you
five minutes to offer any closing remarks to wrap up
anything for the Council and we'll close out the
hearing from there.

MR. HOLLAND: We're good to go.

THE CHAIRMAN: Thank you. And gentlemen,
we appreciate your time here today to come before the Council. We appreciate your participation in the NFPA codes and standards process.

Just with respect to this hearing, I'm going to go ahead and close out this particular hearing.

I want to remind everyone in the room that the decision of the Standards Council will be issued by written decision by Miss Cronin who's the secretary of the Council.

No member of the Council, nor any member of NFPA staff, is permitted to convey any information about that decision. It will be issued only in that written communication.

So with that, I want to close that hearing. From a timing perspective, my intention, by the way, is to go ahead -- since our appellants are the same on the next hearing that we have, is to go ahead and finish the next hearing.

Then we'll take a break before we do the final three hearings of the morning. So timing wise that should work out to, you know, for us to be able to fit a break in.
The next item that we're going to go to is Agenda Item 11-8-16-a. This is actually on NFPA 5000 and has to do with Certified Amending Motion 5000-2.

And Mr. Holland, I know you and Mr. Buesche are speaking. Is there anyone else speaking on behalf -- with the appellants on this issue?


THE CHAIRMAN: So Mr. Meyers, we have you added to the list. Anyone else? Is anyone speaking in opposition to this particular appeal? Mr. Koffel?

MR. KOFFEL: Not in opposition but I have been asked to represent the 5000 TCC if the Council has any questions.

THE CHAIRMAN: Thank you.

MR. VERSTEEG: Joe Versteeg, Technical Committee chair.

THE CHAIRMAN: Mr. Versteeg, are you here for backup support or are you speaking specifically on behalf of the committee for the appeal?

MR. VERSTEEG: I'm here to represent the
Technical Committee's position.

THE CHAIRMAN: You're here for us to ask you any questions if we need to.

MR. VERSTEEG: Absolutely.

THE CHAIRMAN: Other than that you don't have any opening remarks.

MR. VERSTEEG: I do not.

THE CHAIRMAN: Thank you.

Mr. Harrington, please.

MR. HARRINGTON: J.C. Harrington, member of the Council. I'd like to note for the record that I'm a member of the Technical Correlating Committee, NFPA 5000.

As a Correlating Committee member I participated in consideration and voting on issues that appear to be related to this appeal.

I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal.

I've concluded that I do not have any views that are or would appear to be fixed concerning
the issues and I'm fully able to give open and fair consideration to the appeal.

For the record, therefore, I've considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on the appeal.

THE CHAIRMAN: Thank you, Mr. Demers.

MR. DEMERS: Mr. Chairman, my name is David Demers. I'm a member of the Council.

I'd like to note for the regard that I'm the chairman of the Technical Committee on Air Conditioning.

As the chair of the Technical Committee I've moderated the issues that are issues that may appear to be related to this appeal.

I therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal.

I have concluded that I do not have my views that are or would appear to be fixed concerning the issues and I am fully able to give open and fair
consideration to this appeal.

For the record, therefore, I have considered the matter and I believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you, Mr. Demers.

Mr. Owen.

MR. OWEN: Richard Owen, member of Council. I'd like to note for the record I'm a member of the Technical Committee on Standard for Installation of Air Conditioning and Ventilating Systems.

As a Technical Committee member I've participated in consideration and voting on issues that appear to be related to this appeal.

I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal.

I have concluded I do not have any views that are or would appear to be fixed concerning the issues and I am fully able to give open and fair
consideration to this appeal.

For the record, therefore, I've considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you. Anybody else?

Thanks. Gentlemen, you just went through the routine. I'll state again quickly for the record, I'm going to give you sort of ten minutes for you to do your opening comments.

We'll open it up to questions from council out of this, and then I don't have anybody speaking explicitly. We've got some support folks in the corner we can call on.

But then I'll give you any wrap-up comments and we'll close out the hearing from there. So I remind everyone in the room again, when you speak please remember to preface if with your name and your affiliation so we can get it captured appropriately on the record. So with that, Mr. Holland, I'm going to turn it over to you again.

MR. HOLLAND: Joe Holland, Hoover Treated Wood Products. Using materials in the plenum,
particularly fire retardant-treated wood, has been allowed in the building codes for many years.

NFPA 5000, since its inception, has allowed the use of fire retardant-treated wood in plenums.

I looked through the 18 pages of information that was furnished to the Council on this particular issue and I tried to distill them down into the handout that I passed out to you which is 11-8-16(a).

And on the first page, what I did is I took a copy of the page out of 5000 having to do with this particular issue, and you can see that I highlighted plenum materials combustibility.

We’re talking about materials within a ceiling cavity plenum. Then you go down -- further down the page and it says it allows fire retardant-treated wood complying with Chapter 45 to be permitted.

This has been in the building code since its inception. During this cycle we were asked -- the Technical Committees were asked to review this, allowing fire retardant-treated wood in these
Two Technical Committees did review it.
The Building Construction Committee and the Committee on Structures, Construction and Materials.
Both reviewed this and voted to allow the use of fire retardant-treated wood in plenums to remain in 5000.
It goes to the TCC and I was not at that meeting so I was not participating in that discussion.
All I can go by is what I see that was in the Report of Comments which is on the next page of your handout where it says -- there's two sentences there that I highlighted -- The TCC notes that FRTW is not permitted by 90A in spaces affected by the airflow.
Then the next sentence says it will delete a conflict between 90A, 101, and 5000. So I want to speak to the first sentence in the issues that's raised there where it says, Fire retardant-treated wood is not permitted in spaces affected by the airflow.
So if you go to the next page of the
handout, I extracted a couple pages or one page, I guess, out of 90A where we're talking about using combustible materials.

I highlighted air outlets and I highlighted below that where it says, A material that has a maximum flame spread index of 25 and a maximum smoke developed index of 50 when tested in accordance with ASTM 84.

Fire retardant-treated wood meets both of those requirements. It has a flame spread of less than 25 and a smoke developed rating of less than 50.

So here I can use it as an air outlet, so it's exposed to the airflow. Then I looked at the air inlets below that, and it's the same language there for where I'm pulling air into the plenum, I'm exposing it to the air flow. I can use fire retardant-treated wood in that situation.

Then I looked at the plenum section which is in the next column and I highlighted a couple areas down there.

Materials used in construction of ceiling plenums, which is what we're talking about. Says, Ceiling materials shall have a flame spread index of
not more than 25 and a smoke developed index not greater than 50.

So the entire ceiling in a plenum could be constructed using fire retardant-treated wood because fire retardant-treated wood has a flame spread of 25 -- or less than 25 I mean, and a smoke developed rating of less than 50. So fire retardant-treated wood can be exposed to the airflow in a plenum.

So that premise that the TCC based their argument on or their decision on was flawed in that I can use fire retardant-treated wood in the plenum.

I can use it for the whole ceiling, but if I want to use it for backing and blocking, well, that's a problem. So it doesn't make sense.

So the next page, what I did is I looked at 90A which was the second argument. The second argument is that it says it creates a conflict between 90A, 5000, and 101.

You look at the scope of 90A. You go to 1.3, Application. And it says, This standard shall apply to all systems for the movement of environmental air in structures that serve the
following. I highlighted number 3. Buildings and spaces not covered by other applicable NFPA standards.

5000 is an NFPA standard. It does cover plenums. Ceiling cavity plenums it covers. It doesn't cover the floor plenums or anything else. Only the ceiling cavity plenums.

So what this says is 90A doesn't apply where I have other NFPA standards that has requirements in them. So there's no conflict.

Then we talk about 101. 101 does reference 90A. 101 is not a building code. So 101 needs to be used in conjunction with a building code. The building code does have provisions in it, so therefore we really don't have a conflict. So the premise that the TCC used to base their decision on, both cases, they were given bad information.

And as a result of that, they made a decision based on information that was incorrect.

So what we're asking is that you approve what the TC's, two of them, the Building Construction Committee, and the Structures, Construction and Material Committee, approved.
And that's what we were asking for during the appeal and that's what we're asking for here is that you look at what the Technical Committees did. You had two of them. Both of them said fire retardant-treated wood is okay in a ceiling cavity plenum. Thank you.

THE CHAIRMAN: Thank you. Yes, please.

MR. MEYERS: Good morning. Tom Meyers, Colorado Code Consulting. I'm here speaking to you at the behest of Hoover Treated Wood.

I come here to kind of give you a perspective of the folks in the trenches. I'm an active code official in Colorado and I work with projects that are regulated by the Colorado Division of Public Health and Environment, of which they use the NFPA Life Safety Code which references chapter 7 of the NFPA 5000.

And it's not infrequent, especially in rural areas, that I see construction that's employing fire retardant-treated wood in the construction.

And it's not inconceivable that fire retardant-treated wood wouldn't show up in the plenum space, and what particularly concerns me and one of
the reasons why I'm here to speak to you today is
that when we have a material that's been permitted by
the code previously without any real track record of
problems with performance and we go through here and
we make a change in the code, now we're going to see
construction that will have fire retardant-treated
wood there where, in order to comply if you go ahead
and you proceed with this, we're going to see the
materials being covered now with other materials that
would probably have less of a fire performance
potential.

So in other words, fire retardant-treated
wood which passes the test of the flame spread of 25,
smoke development of 50, with a 30-minute duration of
the test, will ultimately be covered, in my
experience, with a material like a mylar-faced FSK
insulating material, plastic material, will end up
going over that in that plenum space to cover it,
which will be only held to the regular E-84 standard
which is just to have the flame spread of 25, smoke
development of 50, but the ten-minute test criteria.

So I'm not sure how that really performs
the overall -- how that helps with the life safety of
the building overall, but I do know for a fact that
ultimately it adds costs in construction.

And the work that the Colorado Division
of Public Health and Environment is working with is
assisted living and health care facilities.

As we all know, the costs are going up
increasingly and one of the things we don't want to
do, at least within the code, is increase costs
without having a marked benefit in life safety.

So that would be my experience in
Colorado, what I would see if we go ahead with this
as they adopt newer codes to deal with the assisted
living environment. Thank you.

THE CHAIRMAN: Thank you. And gentlemen
I congratulate and appreciate again you staying into
that 10-minute time frame it's very helpful to the
Council.

With that I'm going to open up to
questions from members of the Standards Council.

Mr. Demers.

MR. DEMERS: Mr. Chairman, David Demers,
member of the Standards Council. Sir, I didn't get
your name. I'm sorry.
MR. MEYERS: Tom Meyers.

MR. DEMERS: Are you here representing authorities have jurisdiction or are you here as a consultant to the group, the proponent of this --

MR. MEYERS: I'm here as a representative of the proponent Hoover Treated Wood.

MR. DEMERS: So you're not representing the state of Colorado, any governmental agency. You are here as a private consultant.

MR. MEYERS: I want to make that perfectly clear.

MR. DEMERS: It wasn't clear to me.

MR. MEYERS: I'm here representing Hoover. However, I work in the code enforcement industry.

MR. DEMERS: Thank you.

THE CHAIRMAN: Other questions.

Mr. Jardin.

MR. JARDIN: Joe Jardin, member of Council. Mr. Holland, when you discussed some items, I guess, that would be in the future omitted from that plenum space, you talked about backing and blocking.
Maybe you can expand on what that is and possibly what other materials you fear currently are in the plenum spaces that going forward would be prohibited by this change.

MR. HOLLAND: Do you want me to clarify what backing and blocking is?

MR. JARDIN: If you could. What's backing and blocking? And then what other materials, above and beyond what backing and blocking are, would be prohibited?

MR. HOLLAND: Backing and blocking are typically something that you put up that you're going to fasten something else to or is going to be used to block an area off.

Fire stopping would be or draft stopping would be an example of a blocking material where you're segregating an area from a different area and you're cutting it off using a backing of material to do that.

The blocking, the backing, you know -- I guess that would be my statement on that is just you fasten other stuff to it or you use it to segregate areas.
THE CHAIRMAN: Mr. Jardin.

MR. JARDIN: And just I guess as a follow-up, what other fire retardant-treated wood products would then be prohibited beside those, if any, used for backing and/or blocking?

MR. HOLLAND: I guess I don't understand that part of the question.

MR. JARDIN: Well, I'm just concerned about -- Apparently this change is going to have an impact on fire retardant-treated wood, presumably an adverse impact in terms of its use relative to plenums.

So I'm just curious as to what other use is there for the fire retardant-treated wood in the context of plenums that, going forward, would be prohibited by this code change.

MR. BUESCHE: If I may, Dave Buesche, Hoover Treated Wood Products. One of the things that we might take a look at would be fire retardant treated plywood decking that's exposed to the underside in the plenum space.

So fire retardant-treated plywood decking, fire retardant-treated lumber trusses for
roof framing members.

Anything that would be in that ceiling plenum that was built of fire retardant-treated wood, which is currently allowed, is now eliminated in that ceiling plenum space.

However, the ceiling itself could be a fire retardant-treated wood, but everything else that we normally use within that plenum could not be.

MR. JARDIN: Okay.

THE CHAIRMAN: Jim Pauley, chair of the Council. I guess I'm going to go to my corner over here for a couple questions.

Mr. Versteeg, I'd like to start with you, if I could, as the chairman of the Technical Committee.

I understand what the Technical Committee did, certainly your remarks on the floor. But was there any discussion within the Technical Committee about somehow this conflicts with 90A?

MR. VERSTEEG: Yuh, there was a lot of discussion about it. In fact, just to quickly -- to give you a summary, I don't think what the Technical Correlating Committee did by removing the permission
for fire retardant-treated wood eliminated any conflicts, simply because what we forget is that NFPA 5000 as a building code adopts a number of adopted reference standards for it to do its job.

One of those standards is the Uniform Mechanical Code adopted by -- developed by IAPMO. And the Uniform Mechanical Code, just like all of the mechanical codes by all of the other legacy groups in the past and currently in the IMC, state, for plenums, two criteria; one, what you build the plenum out of and, two, what stuff can be in the plenum.

And the Uniform Mechanical Code adopted by NFPA 5000 as well as all of the other mechanical codes say that, for construction of the plenum, it can be constructed out of materials that are consistent with materials that are approved for that type of construction.

And for Type I and Type II Construction, fire resistant and non-combustible, FRTW is allowed.

If I go into a wood frame building it can be out of combustible materials.

The second requirement deals with the issue of the Standards Council's decision in 2005 was
the jurisdictional issue of what can be inside the plenum. Wires and ducts and things like that.

What was continually brought up during the discussions was that the Standards Council's rule that 90A has primary jurisdiction for things that touch or expose to the airflow, environmental air.

And when you read that Standards Council decision, it's really a jurisdictional ballot over the wiring and so forth that's within the NEC and in no way touches what you build the plenums out of.

So there still is a conflict within 5000.

As a code official using 5000, when I get to plenums I look at the Uniform Mechanical Code and it says you can build it out of anything that's compatible with the type of construction.

When I go to 90A, it says there's more restrictions. So which do I use? In fact, actually having the permission for fire retardant-treated wood within 5000 clarifies which requirement and which adopted document takes precedence.

THE CHAIRMAN: Jim Pauley, chair of the Council. Just -- And I appreciate your comments and want to sort of go back to where I started with that
But it sounds like that the committee did have discussion relative to this whole issue and chose to put the text in that they did to -- that would allow the product that's in question. So the debate did occur at the Technical Committee.

MR. VERSTEEG: Joe Versteeg, TC chair.

That discussion did take place, that is correct.

THE CHAIRMAN: Thank you. And I'm going to -- Mr. Koffel, I know you were asked to represent the 5000 TCC, so that's exactly what I'm going to do in this case.

And it may put you a little bit on the spot since you're not the TCC chair for 5000, but I'm trying to understand, based on what the TC's did, kind of explanation behind how the Technical Correlating Committee arrived at this sort of one-sentence strikeout that seems to be the subject of the appeal now.

MR. KOFFEL: Thank you. Bill Koffel, for the record, member of the Building Code Technical Correlating Committee.

I agree with Mr. Versteeg. The Technical
Committee did in fact discuss this. I think it's very apparent in their action on Proposal 5000-80A where they proposed to reference NFPA 90A and then still added the sentence that allowed fire retardant-treated wood. They knew that there was a difference between what they were doing and what was permitted by NFPA 90A.

The conflict does not necessarily exist within NFPA 5000 because 5000 states that the code takes precedence over a referenced standard, but rather the conflict would exist between 5000 and 101. 101, when it comes to plenums, would take you directly to NFPA 90A, and NFPA 90A does not allow fire retardant-treated wood to be exposed to the airflow in a plenum.

And I believe I heard testimony earlier saying they're not sure that's the case, but I distinctly recall a proposal that was processed by the committee, I believe submitted by Mr. Holland, requesting 90A to permit FRTW to be exposed to the airflow. And that proposal was rejected by the
committee. So I think the 90A committee's on record
to say we don't think fire retardant-treated wood
should be exposed to the airflow. So the TCC action
was primarily to address a potential conflict between
5000 and 101.

THE CHAIRMAN: Thank you. I guess while
I'm on a roll, Mr. Holland, I'm going to ask
specifically relative to that last point that was
raised about a proposal made to 90A that Mr. Koffel
alluded to that may have been your proposal with
respect to fire retardant-treated wood, can you
comment at all on that particular proposal and what
might have happened there.

MR. HOLLAND: Sure. Joe Holland, Hoover
Treated Wood Products. The year that we submitted
that particular proposal was the year when this 16-
page document had 2100 proposals and comments that
they were considering having to do with the plenums.
I mean having to do with cables and wiring in the
plenums.

As a result of that I feel that it got
lost in that 2100 changes that were being proposed
having to do with the plenum issue and so I never
went back to them for that, because I also saw that,
as opposed to what you just heard, fire
retardant-treated wood can be exposed to the airflow.

I gave you those examples. The ceiling
can be constructed using material with a flame spread
of 25 or less and smoke developed rating of 50 or
less.

Fire retardant-treated wood meets both
those requirements, so you can expose fire
retardant-treated wood to the airflow.

Realizing that and seeing that 5000,
which is a building code, and that 90A recognizes
that if you have other NFPA Standards with
requirements in them, that they will supersede what's
in 90A, so there really is no conflict there and
you're creating one by eliminating the fire
retardant-treated wood.

I don't know if you're interested or not,
but as Mr. Versteeg said, the international codes and
the Uniform Mechanical Code both allow it, so it just
doesn't make sense for 5000, which is a building
code, not to continue to allow it to be used in the
plenums of the buildings.
THE CHAIRMAN: Thank you. Additional questions? Seeing none, gentlemen, any closing remarks with respect to this particular hearing?

MR. BUESCHE: Mr. Chairman, Dave Buesche, Hoover Treated Wood Products. I just wanted to point out again that we know of no situations where exposure of fire retardant-treated wood in these plenums have been a problem, and because of that I think they should continue to be used. So thank you.

THE CHAIRMAN: Thank you. Mr. Holland, anything in closing?

MR. HOLLAND: No, sir. That’s fine.

THE CHAIRMAN: Mr. Meyers, anything?

Thank you, gentlemen. We again appreciate your time in coming here today. We appreciate your time in the NFPA codes and standards-making process.

With that I’m going to bring this particular hearing to a close. Again I’ll remind everyone in the room that the decision of the Standards Council will be issued by written decision only, provided by Miss Cronin.

No member of the Council or NFPA staff is permitted to convey any information about that
Council decision outside of that written decision.

So with that we're going to bring the hearing to a close. We'll go off the record.

(Discussion off the record.)

(Whereupon at 9:28 a.m. the hearing recessed and reconvened at 9:44 a.m.)

THE CHAIRMAN: All right, if we could come back to order please, and we're back on the record. We're going to move into Agenda Item 11-8-16-b.

And again, since we have kind of redone the room, I'm going to ask everyone in the room to introduce themselves for the record. My name is Jim Pauley, chairman of the Council.

MS. CRONIN: Amy Cronin, Standards Council secretary.

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

MR. MILKE: Jim Milke, member of Council.

MR. LEBER: Fred Leber, member of Council.

MR. DEMERS: David Demers, member of Council.
MR. JARDIN: Joseph Jardin, member of Council.

MR. HUGGINS: Roland Huggins, member of Council.

MR. McDANIEL: Danny McDaniel, member of Council.

MR. SNYDER: Michael Snyder, member of Council.

MR. OWEN: Richard Owen, member of Council.

MR. CLARY: Shane M. Clary, member of the Council.

MR. BELL: Kerry Bell, member of Council.

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

MR. FINNEGAN: Dan Finnegan, Siemens Industry, guest.

MR. COTE: Ron Cote, NFPA staff.

MS. KENNEY: Lynne Kenney, NFPA staff.

MR. SOLOMON: Robert Solomon, NFPA.

MR. SPOKIS: Joe Spokis, NFPA intern.

MS. COLLETTE: Kristin Collette, NFPA staff.
MS. GOLINVEAUX: Tracy Golinveaux, NFPA staff.

MS. HANSON: Paige Hanson, NFPA intern.

MS. RUBINI: Valerie Rubini, NFPA staff.

MS. HOUSEWRIGHT: Meghan Housewright, NFPA staff.

MR. ORLOWSKI: Steve Orlowski, guest.

MR. HARRINGTON: Gregory Harrington, NFPA staff.

MR. KLAUS: Matt Klaus, NFPA staff.

MR. DUFFY: Chad Duffy, NFPA staff.

MR. EARLEY: Mark Earley, NFPA staff.

MS. BALLESTER: Susan Ballester, NFPA staff.

MR. FRASER: Allan Fraser, NFPA staff.

JAKE PAULS: Jake Pauls, independent consultant, visitor.


MS. FULLER: Linda Fuller, NFPA staff.

THE CHAIRMAN: Thank you. This particular agenda item deals with NFPA 5000, Certified Amending Motion 5000-4.
Mr. Pauls, I understand that you're the appellant in this case, so if you'd like to have a seat at the end of the table.

And just so I can get an idea, is anyone else speaking in favor of this appeal? Besides Mr. Pauls is anyone speaking in opposition to the appeal? Mr. Orlowski.

Anyone else. Mr. Koffel, you're here for support again. Thank you for that. So statements from members of Council. Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, member of the Council. I'd like to note for the record that I'm a member of the Technical Correlating Committee on NFPA 5000.

As a Correlating Committee member I participated in consideration and voting on issues that appear to be related to this appeal.

I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal.

I have concluded that I do not have any
views that are or would appear to be fixed concerning
the issues, that I'm fully able to give open and fair
consideration to this appeal.

For the record, therefore, I've
considered the matter and believe that I can fully,
fairly, and impartially fulfill my role as a Council
member on this appeal.

THE CHAIRMAN: Thank you. Mr. Clary.

MR. CLARY: Shane Clary, member of the
Council. For the record, I'm 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.

THE CHAIRMAN: Thank you. Very well. We
will begin. The process we'll use for the hearing,
Mr. Pauls, I'll give you ten minutes to make your
opening remarks and state your appeal to the Council.
We'll then open it up to questions from
the members of the Standards Council. When those are
complete -- since we don't really have or -- I'm
sorry.

Mr. Orlowski, after Mr. Pauls' done I'll
give you ten minutes on the respondent's side to make
your statements for the council and then I'll open it up to questions from members of the Council.

When we complete that, I'll give both of you about five minutes for any closing remarks that you might have, and that's how we'll close out the hearing. So Mr. Pauls, the floor is yours.

MR. PAULS: Thank you, Mr. Chair. My name is Jake Pauls. I'm an independent consultant in building use and safety and I'm the appellant seeking to overturn floor action and which would result in acceptance of Proposal 5000-164 which I submitted, and that the floor motion was made in relation to Public Comment 5000-137 by Eleanor Smith, and I was the designated representative of her at the conference.

The grounds of the appeal -- and I'll be referring directly to the submission. Item 3 of that submission, the grounds of the appeal are essentially a matter of jurisdictional deference -- not so much jurisdiction but deference -- because there are two committees that had a role in the issue of Type C dwelling units, essentially the scoping of ANSI A117.1, 2009 edition.
And Type C dwellings are also known as visitable dwellings. So the jurisdiction of the Building Systems Technical Committee and the Residential Committee are at issue here.

So first item, item B, the delay in the ICC, International Code Council's, release. They're the secretariat for the ANSI Standard A117.1. The second item is essentially a delay in the release of the printed version of the standard dated 2009. It wasn't released until February of 2011, although all of the technical issues or all of the technical information regarding Type C housing was known and was in place essentially a year or two ago, and everybody had that information on both sides of this issue. But that was a major problem with the processing of the proposal.

Third item, C, that I've referred to is insufficient technical arguments were presented by the Residential Technical Committee which overruled essentially unanimous votes of the Buildings Systems Committee. So we have strong disagreements between two committees.
And from my perspective it was the Building Systems Committee that had -- that certainly gave the issue more consideration, had greater experience therein, and submitted unanimous ballots in support of the Type C scoping of the ANSI standard.

I'll have more to say about the Residential Committee shortly. So summing up, the grounds of the appeal are essentially jurisdictional, technical, and political issues at the heart of this appeal, as well as significant public health policy considerations that led the American Public Health Association, APHA, which is the organization I represent on several committees of NFPA and one of ICC but I'm not representing them formally today, but everything I'm testifying to is consistent with the APHA's public policy on this matter of visitability or Type C dwellings. And that's a policy that they adopted in 2009.

So we have a rather large social issue, a public health issue, one that involves a number of NFPA committees.

We have allegations on my part that one
committee did an excellent job, I think a thorough
job, that I would be proud of as a health
professional in getting a fair treatment from NFPA
for this issue. The other committee in my view did a
rather bad job with it and I'll get into more detail
on that.

So essentially I'm speaking the
acceptance of Proposal 5000-164 and that's simply a
scoping matter within the NFPA 5000.

Now, I'm assuming as always that you've
done due diligence to the material on this. You've
read the testimony of Kathy Gibbs, John Rickard,
who's the chair of Building Systems, and Michael
Muehe.

And Kathy Gibbs and Michael Muehe were
two people I asked to testify on behalf -- One comes
from the Institute For Human Centered Design in
Boston and the other is a -- works for the city of
Cambridge, and so the whole issue of people with
disabilities and so on is within their bailiwick.

Only two people spoke in opposition. The
National Association of Home Builders had a
representative, David Orlowski, and there was
somebody -- Dan Finnegan who spoke in opposition.

This came late in that session, that technical session, and there were few people voting and there was no count taken of the vote which went against the motion to adopt my proposal.

So I don't consider the overturning of a floor action to be very significant in this case.

There wasn't much floor action in my view.

Certainly wasn't something that NFPA would hold up as a shining moment in the consensus-making process. There were just not a lot of members involved.

If I'd had more time I would have spoken about the public health issue here which is largely one of injury prevention when you have the elimination of steps which is one part of the scoping, and it's one part of the standard for Type C dwellings.

One entrance to a home would have to be step-free. And the public health benefits alone, just from the injury prevention of that, are on the same order of magnitude as home fire-related injuries.
I repeat again, that one issue alone, the injury prevention just from the step-free entry, is on the same scale of magnitude in injury prevention as preventing fire-related injuries in homes. Currently the injuries due to stairs in homes are running about 60 times those due to fire in homes and at an hourly cost of 10 million dollars. So from a public health perspective, just that one benefit alone, which is the most controversial one, a step-free entry, would have a huge benefit socially in terms of injury prevention and usability of homes, particularly for older people and I happen to be one of those people, as is my family and many of my colleagues now are in that situation. So it's a very large social issue. It got short shrift in my view by the Residential Committee who deferred to the National Association of Home Builders member to basically frame the issues. And one of the things that I was particularly concerned about procedurally was that the Residential Committee at both of the ROP and ROC stages didn't do their homework on this. They didn't
1 seem to understand this was a major issue and they
2 simply hadn't reviewed the material very carefully.
3 And they certainly didn't take advantage
4 of Eleanor Smith, who's the world's authority on this
5 topic, when she attended the ROC meeting.
6 Indeed, the motion that was made for
7 rejecting her comment and hence rejection of the
8 proposal was made without giving the reasons for the
9 rejection as part of the motion.
10 The reasons for rejection, as a long-term
11 NFPA committee member going back to the 70's, I
12 really felt badly about that because neither she nor
13 I could respond to that motion because the reasons
14 for the rejection weren't really clear.
15 The motion was made and voted upon and
16 then the chair asked whether -- or what the reasons
17 were to be given for the rejection, and then we
18 started hearing them and particularly from the NAHB
19 representative on the committee.
20 This to me I didn't think was very good
21 form. Procedurally it left me in a very bad
22 position, as it did Eleanor Smith who'd come all the
23 way to New Orleans just for that committee meeting.
So it comes down to essentially this matter of two committees. I would certainly favor the approach taken by the Building Systems Committee. It has had the longest experience on acceptability scoping. That’s the committee we rely upon. And my preference would be that if you can’t today decide to overturn the floor action and to go to the approval of my proposal, that at least you clarify the jurisdictional deference issue for next time around.

Now, I’m not sure I’m going to be around next time. This is really my last hurrah on these larger issues. As you know, I do come to this council with larger issues. This I think is the last one I will do. I would clearly like to see it handled today, but if you don’t want to handle it today and I have to stick around for another three years, I do hope you clear up just who has the say in this process for this kind of issue of accessibility scoping, particularly for dwelling units.
Finally, you're going to hear perhaps some detail from the opponents which are not relevant.

This is a purely symbolic issue because the opponents, the National Association of Home Builders, have guaranteed that 5000 will not be implemented.

But what they're afraid of is 5000 is a very powerful symbol because it is a symbol to other code-making bodies, ICC in particular, and maybe even in Canada increasingly now since I'm working there.

So it's an important symbol. If there are some little defects with the proposal and with the NFPA 5000 scoping generally for accessibility, we've lived with them for several years already.

Again, it is a symbolic act that you will do because the world outside will not allow 5000 to be adopted and implemented.

But the fact that they're fighting it indicates that symbols are important, and they're important to my public health colleagues. I thank you very much for your attention.
THE CHAIRMAN: Thank you. Mr. Orlowski, please.

MR. ORLOWSKI: Steve Orlowski of the National Association --

THE CHAIRMAN: If you'd like to move to the end of the table, it might be a little easier, at least for the Council, to be able to hear you, please.

MR. ORLOWSKI: Thank you for the opportunity to address the Council. I just want to go over a couple of things.

Throughout the NFPA 5000 process this proposal was reviewed, voted upon, disapproved by the Building Residential Technical Committee, also by the TCC who took the first look at which of the two Technical Committees had the authority over the subject.

At that time the Building Systems Technical Committee was overturned on their proposals to require the Type C dwellings in all one- and two-family dwellings.

We went through the ROC stage. We also went to the association meeting. At each point this
1 proposal was turned down, and there was a lot of
2 testimony that was given at all of these committee
3 meetings.
4 Some of those reasons were not captured
5 in the TC substantiation. That's why NAHB took the
6 opportunity to list in detail all the reasons that
7 were given during the meeting discussions in our
8 negative ballot.
9 As far as the requirements go, Mr. Pauls
10 is correct. There are some technical flaws with this
11 proposal, first being that this would be required for
12 all new and existing homes because Chapter 22 covers
13 all one- and two-family dwellings, both new and
14 existing.
15 And if you look at the first part of his
16 proposal, it says all new constructed one- and
17 two-family dwellings and portions thereof.
18 So if you have this document out there
19 and it's being used, it's going to require, any time
20 someone does any work to their home, to bring it up
21 to accessible standards if it's part of the
22 accessible path.
23 Some of the other technical flaws that we
also pointed out in our substantiation talks about
that the exceptions that are listed under this
proposal do not apply to Type C dwellings.

Type C dwellings are not listed in
Chapter 12 for the topography or for the flood
elevations. Only Type A and Type B are specifically
listed in those documents. Type C does not appear
anywhere in there, so therefore those exceptions
would not apply.

And I guess the third problem that we had
with this is that both the ROC and the ROP meetings,
the Technical Committee was never given a copy of the
full A 117 standard.

It was under development. It was not
published. We received a portion of Chapter 10
dealing with the Type C dwellings, but there were
several references to other sections and chapters of
the A 117 standard that had a huge implication on
what would be required, one of the most important
being the approach from the house to the accessible
point whether that was the driveway or from the
sidewalk.

The accessible path requires that you
I have access into the building. If you can't get there with a ramp, you have to either put in a lift or an elevator, and it would require that there is access to the main living space.

Those are the reasons why NAHB has a problem with this proposal. It's technically flawed, it applies retroactively, and also we have several builders in our 50-plus clubs who work with AARP, who are out there building these type of houses voluntarily and not mandatory.

Because in some communities it's embraced. In other communities it's not. It's not feasible. Those are the reasons why NAHB opposes this appeal.

THE CHAIRMAN: Thank you. I'll now open it up to questions from members of Council.

Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, member of Council. A question for Mr. Pauls. I know in your appeal testimony here you characterized it from your view I guess the National Association of Home Builders seems to dominate the Residential Committee process.
And so I'm just trying to get a sense from the ROP, ROC process and meetings that are held, how does that actually happen or what actually takes place that forces you to characterize it as that?

MR. PAULS: Jake Pauls. Only with respect to this issue. I won't go so far as to say they dominate the committees otherwise.

But with respect to this issue I clearly got that impression, and if we had a formal record of those meetings you would see that. They basically framed and led the arguments.

THE CHAIRMAN: Mr. Milke.

MR. MILKE: Jim Milke, member of Council, to Mr. Pauls. The A 117.1 standard that wasn’t released as a written document until February of this year, as you identified, there weren’t any copies at all available -- as a full document, not just the Chapter 10 -- prior to that? Electronic versions or anything like that that could be reviewed?

MR. PAULS: Clearly the NAHB had the full thing because they serve on the committee, so they had everything.

They knew what all these other sections
were and how they might have changed, and really I
don't think there was any major change there. So
it's really a phoney argument from their perspective.

And had the -- I provided all the text

that I could in both the ROP and it was also provided
again later on at the ROC stage, and I think it was
even included -- again in paraphrase form -- in the
negative ballot.

There was clearly enough information
available to deal with it. And we should ask here

that -- why did the Building Systems Committee, which

had a very close knowledge of the standard, because

they're responsible for scoping it within 5000, why
didn't they raise the same issue?

So if the committee that's most

responsible and most knowledgeable on it doesn't have

a problem with the fact that the standard wasn't
available -- Formerly they said in their accept in

principle that it was subject to the standard

becoming available later, which they had to do, but

they had no issue with the content.

I mean, they felt quite comfortable with
the fact -- They knew what they were voting on. They
1 knew what the implications were.
2 And hence the -- I don't understand why
3 the Residential Committee, since the person who was
4 most responsible for leading the debate already had
5 all the information serving on the committee -- they
6 had everything -- why this is being brought up.
7 I'll stop there because otherwise I'll
8 start in with ICC and why they did this.
9 THE CHAIRMAN: Mr. Milke.
10 MR. MILKE: Perhaps as a follow-up I
11 should ask that same question of Mr. Orlowski as to
12 can you help me understand the timing of this as to
13 when this 117.1 document might have been available to
14 the committees, albeit maybe not in the final
15 polished written form?
16 MR. ORLOWSKI: Right. When ICC A 117 was
17 being ready to be published, we still were taking
18 votes during the ROP stage, so therefore there was no
19 finished draft of the A 117.
20 By the time we got to the ROC meeting,
21 ICC was still trying to do editorial changes to the
22 A 117 without making any substantial changes to the
23 technical aspects but trying to make sure that all
references back and forth within the document were indeed correct, sections that were being cited were actually present.

That was one of the main reasons that we were discussing at the ROP and the ROC stage that not having a final draft or the published edition of A 117 standard made it difficult.

We were only presented with a small section of Chapter 10, which the section numbers were incorrect with what was provided as far as the reference for Type C dwellings.

We also had problems with the sections that were being referenced in earlier chapters of Chapter 4 and Chapter 5 which were also still under review by ICC to make sure that everything was in fact correct.

THE CHAIRMAN: Mr. Jardin.

MR. JARDIN: Joe Jardin, member of Council, to Mr. Orlowski. In your testimony you mentioned that this would be retrospective in nature, this requirement.

And maybe you can explain to me how that's the case. I'm looking at Proposal 5000-164
that seems to -- within the proposal that was rejected -- Apply to all new buildings or portions thereof used as one- or two-family dwellings shall comply, and it then references that ANSI A 117-1.

How does that get to existing buildings?

MR. ORLOWSKI: At the beginning of Chapter 22, Chapter 22 residential chapter applies to all residential one- and two-family dwellings, both new and existing.

There is existing requirements within Chapter 22. This is one of those provisions that if you read the way that this is written, all new buildings or portions thereof used as a one- and two-family dwelling shall comply with the ANSI A 117 section for Type C dwelling.

It could be interpreted to say portions thereof also apply to any new additions or renovations.

One of the requirements of Chapter 22 is that when you go in to do renovations or additions inside one- and two-family dwellings, that you do have to bring them up to code in some retrospect.

THE CHAIRMAN: Mr. Jardin.
MR. JARDIN: Just a follow-up.

Mr. Orlowski, are you on the Residential Technical Committee?

MR. ORLOWSKI: I am not on the Technical -- Yes, I am on the Building Residential Technical Committee.

MR. JARDIN: Okay. And reviewing the comment that again was rejected, I see that apparently you have a negative to that rejection?

You and Mr. Pauls were the only two that opposed the rejection?

MR. ORLOWSKI: Yes.

MR. JARDIN: Can you -- It's quite a lengthy negative narrative that you listed there.

What was the reason you opposed the rejection at that point but seem to be supporting it now?

MR. ORLOWSKI: We supported the committee action, however weak. NHB does not vote on the NFPA 5000 ballots. We usually recuse ourselves.

In this matter, because the substantiation from the Technical Committee did not capture all of the arguments that were made during that meeting by every member of the TC, we felt that
it was important for us to capture all those reasons and put them into our negative ballot.

THE CHAIRMAN: Additional questions? Jim Pauley, chair of the Council. Mr. Koffel, I'm going to call on you once again on behalf of the 5000 TCC just to ask if you would comment, please, on the question of the jurisdictional issue between BSY and RES Committee and perhaps how that unfolded at the TCC meeting.


I think our action indicates that we were looking for input from both committees. And we felt that we had a committee that had good knowledge of residential occupancies, and BSY has knowledge of building systems which includes accessibility, and therefore we were continuing to seek input from both of the committees.

While I have -- If I could extend your question just a minute and maybe save some time later, I would just like to comment on some of the other items that we've heard if that's possible.
THE CHAIRMAN: Yes. And I'll be more than happy to let you do that. I just want to try to get to the heart of this issue that -- I thought what I've heard you say so far is that the TCC has still sort of left this jurisdiction split on this and you'll draw stuff from both committees and call those balls and strikes as they come up or is there a jurisdictional decision that's been made?

MR. KOFFEL: I'm not aware of any jurisdictional decision that has been made. BSY has responsibility or scope for accessibility, and Residential has scope for residential occupancies, and it's more than just Life Safety.

There's an inference that they shouldn't because it's beyond Life Safety. But we're looking for our occupancy committees to address the other items that are within the scope of the building code as well.

THE CHAIRMAN: Okay. So I'm more than willing to give you the latitude to comment from that TCC perspective on some other items that you might have heard.

MR. KOFFEL: Okay. And again, the TCC,
we met the first week of January. At that time we
did not believe the final version of the ICC document
was available and that's representative in our
comment.

You have heard that the residential
chapter addresses new and existing. For the
Council's information I would just indicate that the
extent to which these requirements would apply to
existing, the chapter indicates you either comply
with this chapter or you go to Chapter 15.

And Chapter 15 does address accessibility
requirements and how they would apply during any type
of rehab project.

So I don't know that I would support the
argument that one would expect application of these
requirements to all existing dwelling units when any
type of rehab project occurs. And I think I'll just
leave it at that for now.

THE CHAIRMAN: Thank you. Additional
questions? Seeing none, Mr. Pauls, I'm going to give
you five minutes to perhaps wrap up anything that
you've heard. Mr. Orlowski, then I'll give you the
same and that's how we'll close out the hearing. So
Mr. Pauls, the floor is yours.

MR. PAULS: Jake Pauls. I should just note, because I failed to mention earlier and it wasn't asked about -- The standard was approved by the ANSI in October.

So we as committee members were fully expecting the standard to be available in printed form very quickly.

I'll add here that there has been considerable frustration by myself and other members including -- I won't say but -- with ICC serving as secretariat of the committee.

We serve as an accredited standard committee of ANSI. In other words, the committee owns the standard. The ICC is the secretariat.

That's an important distinction.

And we would love to find a new secretariat, at least some of us would. Because we as committee members were getting a little fed up with the way that the standard was being processed, particularly this kind of delay to publish a standard that was essentially put to bed in 2009 and dated 2009, to release it in 2011.
There were other problems, too, but -- I was caught in something that I really resented and a number of us expressed our resentment to ICC quite early in this process.

I would hate to see that be used against this thing now, because otherwise we have to wait for 2015, as far as NFPA is concerned, to scope a 2009 standard. To me it just doesn't make any sense.

And again, symbolism. I don't see -- If somebody could produce a jurisdiction that adopts NFPA 5000 for existing buildings, where this is going to be a problem, I'd be very surprised to see that.

I don't think I will live to see that.

NAHB, and some members perhaps of the Residential Committee who defer to NAHB, do not want to have this Type C dwelling unit see the light of day.

I will add here, as you've read in the documentation, Great Britain adopted this, the step-free entry rule, over ten years ago, and about 95 percent of its new housing is constructed in accordance with that.

It's a national requirement under their
national building code. It's not a big issue. It's doable. I would like to see it become more than symbol.

But I certainly, as an NFPA member and as a member of a number of committees including the TCC's here and the TC on Residential, think that it is ready to go, it can be adopted as it was submitted.

I just don't see any practical problem with its implementation because that depends on other forces, and from a public health perspective this is really important.

I'll just end here with you all are hearing the news about the financial crisis the U.S. is in.

We in the public health community are desperately seeking other ways of handling public health and health care.

And it turns out that homes are our saving feature, because we have to keep people in their homes longer. We're going to have to send them from health care facilities to their homes sooner.

And we're going to have to make those
homes work in the absence of the health care facilities, recovering facilities, the retirement facilities, that we no longer have the funds to support.

And that's why it's a very big social issue and if NFPA sends that message out that we're ready to do our part for the public health and for this national financial disaster we're in, I would be very, very pleased with that and I would be happy to retire from my role as being the public health voice in NFPA committees if you can do that.

We have to recognize this is a very large issue and really stop the backwardness that I've seen in the Residential Committee.

They were opposed to home sprinklers, they were opposed to the better stairs, and always with the support of NAHB.

This time I'm going to dig my heels in and say NAHB has had enough influence on this standard and they should not stop this one now.

Thank you.

THE CHAIRMAN: Thank you. Mr. Orlowski?

MR. ORLOWSKI: Just in closing, I want to
touch on a subject that I did not mention before which is also part of the appeal.

Reviewing the scoping of both of these two Technical Committees, it is our impression that the Building Systems Technical Committee should continue to have the authority to extract information from A 117.

That's what their scope is all about, is to extract the information from A 117, make sure NFPA 5000 is compliant with the A 117 standard.

Where I differ is that the Building Residential Committee should continue to be the committee with the authority for the scoping of one- and two-family dwellings.

I don't see any problems with the Chapter 12 referencing Type C dwelling construction, one- and two-family dwellings, and what those requirements are.

But as far as the scoping of when they are required to be applied to one- and two-family dwellings, that should remain the authority of Chapter 22, Residential Technical Committee.

THE CHAIRMAN: Thank you. With that I'm
going to bring this particular hearing to a close.

Gentlemen, I want to thank you both for being here today. I want to thank you for your participation in the NFPA codes and standards process.

The decision on this will be issued as a written decision by Miss Cronin, the secretary of the Standards Council.

No member of the Council or member of NFPA staff is permitted to convey any information about that decision. That written decision will stand as the communication from the Council.

So with that, thank you, gentlemen.

We'll bring that hearing to a close. We're going to move directly into Agenda Item 11-8-5-a.

This has to do with NFPA 90A, Certified Amending Motion 90A-2. Mr. Koffel, I understand you're the appellant in this case. You wear many hats apparently while you're here.

Is there anyone speaking in opposition to this particular motion? So do I have any statements from members of the Council? Mr. Owen.

MR. OWEN: Richard Owen, member of the Council. I'd like to note for the record that I'm a
As a Technical Committee member I participate in consideration and voting on issues that appear to be related to this appeal. I have therefore reviewed my obligation under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal. I've concluded I do not have any views that are or would appear to be fixed concerning the issues and I am fully able to give open and fair consideration to this appeal.

For the record, therefore, I have considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you. Mr. Demers.

MR. DEMERS: Mr. Chairman, my name is David Demers, member of the Standards Council. I'd like to note for the record that I'm the chairman of
As the chair of the Technical Committee I moderated the consideration and voting by the members of the TC on issues that appear to be related to this appeal. I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide to consider whether there is any reason for me to recuse myself from consideration of this appeal. I have concluded that I do not have any views that are or would appear to be fixed concerning the issues and I am fully able to give open and fair consideration to this appeal. For the record, therefore, I have considered the matter and I believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal. Thank you.

THE CHAIRMAN: Thank you.

Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, member of the Council. I'd like to note for the record that I'm a member of the Technical Committee on Air Conditioning.
Conditioning and Ventilation.

As a Technical Committee member I participated in consideration and voting on issues that appear to be related to this appeal. I have therefore reviewed my obligations under the Guide For Conduct of Participants in the NFPA process, particularly Section 3.5(d) of the guide, to consider whether there's any reason for me to recuse myself from consideration of this appeal. I've concluded that I do not have any views that are or would appear to be fixed concerning the issues and I am fully able to give open and fair consideration to this appeal.

For the record, therefore, I have considered the matter and believe that I can fully, fairly, and impartially fulfill my role as a Council member on this appeal.

THE CHAIRMAN: Thank you. Seeing no others, Mr. Koffel, I'm going to turn it over to you for a 10-minute set of opening remarks and then we'll take questions from the members of the Council.

MR. KOFFEL: Thank you, Mr. Chair. My name is Bill Koffel with Koffel Associates. I too am
a member of the Technical Committee on Air Conditioning but I'm not representing that committee before you today, and we have no client interest in this matter, although, again, in the interest of full disclosure, we have over the years provided consulting services to the American Society For Health Care Engineering.

This issue all started with the ROP meeting and the development of the committee Proposal 90A-66.

Unfortunately, due to some severe weather conditions at the time of that meeting, I was unable to make the meeting and, as you will note from the record, that upon receiving the ballot I placed a negative ballot with regard to this committee proposal.

The committee proposal actually proposed to do two things. The primary reason of the proposal, as I understood it, was the new language in 4.3.12.1.2 to allow some incidental air movement between the corridor and a patient room or an adjacent room where it's required for clinical purposes.
Unfortunately, at least in my opinion, at the same time they deleted the reference to health care in the existing paragraph and replaced it with nursing home and long-term care facilities. That existing paragraph prohibits the use of the corridor for the normal supply return and exhaust air serving adjoining areas. So I cast a negative ballot.

Unfortunately I did not catch -- during the period to submit public comments, I did not follow up on my ballot.

However, Josh Elvove did in fact submit a public comment, 90A-62, and he addressed some of the concerns that I had.

So when we went into the association meeting, the action available to us was to potentially accept Comment 90A-62 and in fact there was a NITMAM to do that, and a Certified Amending Motion at that.

During the testimony on that item I indicated that I didn't think accepting the comment really addressed the issue because it would not allow for the transfer of air that's required in certain
1 health care occupancies for clinical purposes.

2 And I indicated that probably the best

3 way to do this would be to file an appeal and appear

4 before the Council, which is what I've done.

5 I have shared the appeal with both Josh

6 Elvove and Doug Erickson. I'm not aware of any

7 opposition that they have to the appeal as I've

8 processed it.

9 Now, I understand that this is also a

10 unique situation in that the appellant is requesting

11 that the Council do some language development, and

12 that's not typically done by the Standards Council.

13 The language that I have proposed in the

14 appeal for 4.3.12.1.1 is existing text in the

15 standard. It overturns the action of Proposal 90A-66

16 and returns the standard to existing text which would

17 prohibit the use of the corridor for normal supply

18 return or exhaust air.

19 The language that I have proposed for

20 4.3.12.1.2 is similar to the language that was

21 accepted by the committee in Proposal 90A-66 with the

22 exception that I have added, at Mr. Erickson's

23 suggestion, the language that would also allow air
transfer for clinical purposes in nursing homes.

In reviewing the original draft of the appeal, Mr. Erickson indicated to me that there may be some nursing homes in which air transfer would be required, pressure differences would be required for clinical purposes, so I have proposed in certain nursing facilities into 4.3.12.1.2.

Certainly if the Council has a concern with introducing that new requirement this late in the process, I would then encourage you to support the appeal without the phrase nursing facilities in 4.3.12.1.2.

And the net effect of that would be to retain existing text in 4.3.12.1.1 and retain the text the committee had adopted in 4.3.12.1.2. And that ends my comments.

THE CHAIRMAN: Thank you, Mr. Koffel.

Questions from members of the Council. Mr. Bell.

MR. BELL: Have these changes that you've suggested, have they been reviewed by the 90A committee at all?

MR. KOFFEL: I would really I guess leave the answer to that up to standards administration in
MR. BELL: Okay.

THE CHAIRMAN: Other questions? Jim Pauley, chair of the Council. I guess -- I'm just trying to understand maybe the sequence of things a little bit, Mr. Koffel.

And even having read through the material, I just want to kind of step through it again.

This particular item -- or there was an item that was moved on the floor and that particular item passed on the floor, went to subsequent ballot and failed. Am I correct so far in --

MR. KOFFEL: The motion was to accept Comment 90A-62 which was Josh Elvove’s comment. I'm just reading this transcript again myself, but I thought that motion failed.

THE CHAIRMAN: That failed on the floor.

MR. KOFFEL: Yes.

THE CHAIRMAN: I'm with you, too. That's actually on page 16 at line 17 where it did fail. So if this went back to previous edition text in some
manner, what would happen in that case?

It looks like your first set of words actually end up happening but you lose what the committee added in paragraph 3.12.1.2 which would also end up going away if the whole thing went back.

So I'm a little bit, you know, kind of in a crossroads on this because you're proposing language to us that, as you well explained, is sort of an amalgamation of things but it's not really a TC action anywhere that we can point to to be able to get to.

So I was merely trying to sort those pieces out perhaps a little farther to understand.

I'll ask the question perhaps a different way to try to get there as well.

If the Council doesn't uphold your appeal, what's the down side in the document that happens with the language that's moving forward?

MR. KOFFEL: As I see it, the Council has three options. One, they can issue the document as it was processed by the committee.

In my opinion the down side of that is that the existing requirement, or prohibition I
should say, for using the corridor for supply return
and exhaust air for health care facilities other than
nursing and long-term care facilities would go away, and you would now be able to do that.
And that's a technical change that the committee did not address in the proposal, nor do I think they really intended to occur during the ROP process.

If the Council chooses to return this portion of 90A to the committee, you retain the existing prohibition but then you lose the language that was processed during the public proposal period to allow for the transfer of air for clinical purposes.

And therefore I'm encouraging you to support the appeal at a minimum to retain 4.3.12.1.1 as it exists in the standard today and 4.3.12.1.2 as processed by the committee during the public proposal period.

The insertion of nursing facilities is clearing new language. It has not been before the committee -- Nursing facilities in paragraph 4.3.12.1.2 has not been addressed by the Technical
Committee. And I really offered that as a potential additional cleanup at Mr. Erickson's suggestion.

THE CHAIRMAN: I guess maybe one follow-up to that is recognizing that the disadvantage of what I'm about to say is that it doesn't get issued with the document, but given sort of the mixed pieces of this, what would be the down side of simply processing of a TIA to try to resolve the committee's action?

MR. KOFFEL: I think you've identified the potential downfall. And again, I think the Council could decide to just address -- allow nursing facilities to be addressed in the TIA, or do they reinset the word health care in 4.3.12.1.1 through a TIA process.

THE CHAIRMAN: Thank you. Additional questions? Seeing no additional questions, any final closing remarks on that, Mr. Koffel?

MR. KOFFEL: I just thank the Council for their patience with me this morning.

THE CHAIRMAN: Thank you. We appreciate you being here. We appreciate your participation in the process.
And again, for the record, the decision of the Council will be issued as a written decision by Miss Cronin. No member of Council or NFPA staff will be permitted to convey that decision of the Council outside of that written decision.

So with that we are going to move into Agenda Item 11-8-6-a and 11-8-6-c and I'm going to give a couple moments to group things and rotate through. Why don't we go off the record for now.

(Discussion off the record.)

(Whereupon at 10:35 a.m. the hearing recessed and reconvened at 10:38 a.m.)

THE CHAIRMAN: If we could come back to order. Good morning everyone. We have a number of new folks in the room, so we welcome you to this hearing of the NFPA Standards Council.

We are on, for the record, Agenda Item 11-8-6-a and 11-8-6-c. In a moment I'm going to ask all the members of the Standards Council as well as everyone in the room to introduce yourself for the record.

Also I want to remind you that throughout all of this hearing, a record of this is being taken
so you need to preface your remarks with your name and affiliation so we make sure that those are appropriately attributed.

So let's do those introductions quickly and get everybody on the record. My name is Jim Pauley, chairman of the Council.

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

MS. FULLER: Linda Fuller, NFPA staff.

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

MR. MILKE: Jim Milke, member of Council.

MR. LEBER: Fred Leber, member of Council.

MR. DEMERS: David Demers, member of Council.

MR. JARDIN: Joseph Jardin, member of Council.

MR. HUGGINS: Roland Huggins, member of Council.

MR. McDANIEL: Danny McDaniel, member of Council.

MR. SNYDER: Michael Snyder, member of Council.
MR. OWEN: Richard Owen, member of Council.

MR. CLARY: Shane M. Clary, member of Council.

MR. BELL: Kerry Bell, member of Council.

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

MR. FINNEGAN: Dan Finnegans, Siemens Industry, guest.

MR. COTE: Ron Cote, NFPA staff.

MR. SPOKIS: Joe Spokis, NFPA.

MS. COLLETTE: Kristin Collette, NFPA staff.

MS. GOLINVEAUX: Tracy Golinveaux, NFPA staff.

MS. HANSON: Paige Hanson, NFPA.

MS. JARIWALA: Nilu Jariwala, NFPA.

MS. COUGHLIN: Ann Coughlin, NFPA staff.

MS. HOUSEWRIGHT: Meghan Housewright, NFPA staff.

MR. BIELEN: Richard Bielen, NFPA staff.

MR. HARRINGTON: Gregory Harrington, NFPA
MR. KLAUS: Matt Klaus, NFPA staff.

MR. DUFFY: Chad Duffy, NFPA staff.

MR. BERRY: Dennis Berry, NFPA staff.

MR. EARLEY: Mark Earley, NFPA staff.

MS. BALLESTER: Susan Ballester, NFPA staff.

MR. HART: Jon Hart, NFPA staff.

MR. COLONNA: Guy Colonna, NFPA staff.

MR. CRNKO: Tim Crnko, Cooper Industries.

MR. ERICKSON: Doug Erickson, American Hospital Association.

MR. DEGNAN: James Degnan, Sparling.

MR. WEBSTER: Hugh Webster, National Electric Fuse Association.

MR. DOLLARD: Jim Dollard, IBEW.

MR. SAPORITA: Vince Saporita, Cooper Bussman, representing National Electric Fuse Association.

THE CHAIRMAN: Thank you. Mr. Owen.

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

THE CHAIRMAN: Thank you. Jim Pauley, chairman of the Council. For the record, I'm going to recuse myself on this particular issue and will not participate in the hearing or the deliberations in voting on this. I've asked Mr. Bell to chair this particular hearing on behalf of the Council.

MR. BELL: Thank you. As Jim has indicated, my name is Kerry Bell and I will be presiding over this particular hearing.

And I guess the two appeals that we have to deal with this afternoon are 11-8-6-a and 11-8-6-c.

And before we get started I'd like to get on the record who is going to be speaking to these appeals in support of the appeal.

MR. SAPORITA: I'm Vince Saporita. I will be making the appeal.

MR. BELL: Okay. Is there anybody else going to be speaking to that?

MR. DOLLARD: Yes. Jim Dollard.

MR. BELL: In support of the appeal.
MR. DOLLARD: In support of the appeal.

MR. BELL: Anybody else? Anybody else that's going to be speaking against the appeal?

MR. ERICKSON: Doug Erickson, American Hospital Association.

MR. DEGNAN: James Degnan, Sparling.

MR. BELL: Mr. Erickson and Mr. Degnan, do you have some opening remarks to make or are you going to be here just speaking or answering any questions that the Council may have?

MR. ERICKSON: I would like to make a remark as the TCC chair.

MR. BELL: Okay. Now, both of these appeals as I understand are related and I understand that both parties have agreed to hear both appeals within one single hearing.

And in light of that, what we have decided to do -- Normally we would allow ten minutes for opening remarks. I'm going to expand that to a total of 15 minutes to both sides.

And once the opening remarks have been made, we'll open up the discussion to questions from the Standards Council members.
And then after that we'll allow you to make any closing remarks that you have to both sides with a total time limit of five minutes. We ask that you adhere to these time restrictions so that we can handle these appeals in an efficient manner from the time standpoint. With that I guess we'll go ahead and get started with Mr. Saporita. Go ahead and make your opening remarks.

MR. SAPORITA: Thank you, sir. I did try to have this down to ten minutes, so I won't have to read it quite so quickly.

Good morning. I'm Vince Saporita representing the National Electric Fuse Association. I work for Cooper Bussman and am a member of the NEC Code Panels 10 and 11 and NFPA 70E. We're here this morning to request acceptance of two separate but related Certified Amending Motions from the June 2011 association technical meeting. We'll begin with Certified Amending Motions 99-10 through 99-14. You can follow along on page 489 of the supplemental agenda.
Page 4. This presentation will clearly demonstrate step by step how the failure of the NFPA process has led to a situation so significant that the Technical Correlating Committee for the NEC, on a June 2nd teleconference, unanimously decided to support these Certified Amending Motions.

This action by the NEC TCC clearly identifies the actions taken by the NFPA 99 Committee as egregious.

As an indication of the seriousness of the situation, the NEC TCC unanimously agreed to support Certified Amending Motion 99-44 which would have sent the entire document back to the NFPA 99 Technical Committee.

Page 6. The roadmap to process failure starts with the July 2007 Standards Council appeal by Doug Erickson representing the American Society For Health Care Engineering that would have resulted in the removal of the critical and equipment branches from the requirements of NEC Article 700 which covers emergency systems.

The appeal was denied, but the Task Group on Inter-Committee Coordination on Emergency
Electrical Systems -- notice the word emergency is there -- was created and charged to address whether certain requirements of the NEC are based on installation requirements or on performance requirements.

Sub-Task Group 1 was then formed. It chose those portions of the NEC that it wanted to control, designating those areas as performance.

In this case, prevention of cascading outages; i.e. selected coordination, was determined to be performance based which meant that it would be under the purview of NFPA 99.

Once under the purview of NFPA 99, the committee, controlled by the health care industry and consultants working for the health care industry, the selected coordination requirements were gutted leaving severe conflicts with the NEC and several other NFPA Standards.

Page 7. Violation, balance. The eight members listed for the Inter-Committee Coordination on Emergency Electrical Systems included three users from the health care industry. 37 percent.

The six members of the Sub-Task Group 1
also included three users from the health care industry. 50 percent.

This was in direct violation of the directions given to Sub-Task Group 1. Quote, This Sub-Task Group must be balanced and include members with the necessary technical expertise to review the material in question, closed quote.

Even though instructed to do so, no members were included from NEC Code-Making Panel 13 on emergency systems to represent the interests of the National Electric Code.

These are violations of ANSI 1.3, balance. No single interest category may constitute more than 33 and a third percent.

Page 8. Violation, dominance. The eight members of the Task Group included three users from the health care industry and one special expert, a consultant for the health care industry with well-known positions against Certified Amending Motions 99-10 through 99-14. 50 percent of the Task Group.

Five out of six members of Sub-Task Group 1 -- that's 83 percent -- were either users
representing the health care industry or special experts consulting for the health care industry, all five interests opposing CAM's 99-10 through 99-14.

These are clear violations of ANSI 1.2, lack of dominance. They clearly dominated the Task Group and the Sub-Task Group 1 resulting in determination that prevention of cascading outages was performance based and therefore within the purview of NFPA 99.

The dominance was so blatant that Doug Erickson, sitting chair of the NFPA 99 Technical Correlating Committee and chair of Sub-Task Group 1 representing the American Society For Health Care Engineering, went so far as to threaten one of the National Electric Fuse Association manufacturers with a boycott of their products.

We do not want to bring this dirty laundry out into the public domain, but legal counsel has advised us that we need to put this in the record if we want to use it as an ANSI appeal. I have copies for each of you if that is permitted.

Let me read several of the threats found in this letter. Would you like me to pass that out
now?

MR. BELL: Do what you want.

MS. BRODOFF: Give it to Linda to pass out.

MR. BELL: Do we have enough copies for everybody?

MR. SAPORITA: There's like 15 to 20 copies here.

MS. BRODOFF: Has Mr. Erickson been provided with a copy?

MR. SAPORITA: Yes, he has a copy now.

MS. BRODOFF: So up until now he's not been provided with a copy?

MR. SAPORITA: He sent the letter.

MS. BRODOFF: I know but I'm asking you whether you provided him a copy.

MR. SAPORITA: I have not provided a copy. Let me read several of the threats found in this letter which I should point out was written one day after Doug's Erickson's appeal was denied by the Standards Council.

"This unnecessary code provision will add 15 to 20 percent to our electrical designs. ASHE and
AHA on behalf of our 9200 personal members and 4800 institutional members is asserting our right against this deliberate use of the code's process by requesting our members and product specifiers to cease the use of any products supplied by -- company name removed.

"It is certainly within our right to recommend that our members find other alternative manufacturers to -- company name removed."

Aren't we supposed to have chairs, especially Technical Correlating Committee chair, that are unbiased, that only care that the NFPA process and the ANSI essential requirements are followed? Obviously this was not the case.

Page 10. Decisions made by the NFPA Electrical Systems Committee were influenced at the committee level at the table by two large competitors of the National Electric Fuse Association; i.e., Square D and Eaton.

Without the ability to sit at the table and intelligently discuss the pros and cons of a position and participate in the balloting process and debate, it is impossible to adequately discuss and
debate an issue.

The National Electric Fuse Association

was given the opportunity to and did address the

committee at the ROC meeting, but it is not the same

as sitting at the table and voting on the committee.

This is a clear violation of ANSI 1.1, openness.

Page 11. The NFPA 99 Technical Committee

voted for essential systems and health care

facilities to require isolation of a fault only when

the overcurrent device takes one tenth of a second or

longer to open.

Total problem-circuit isolation of life

safety-related circuits will not be required for most

short-circuits and ground faults in health care

facilities, but it is required for other types of

occupancies covered by NEC articles on elevators,

emergency systems, legally-required standby systems,

critical operations power systems, fire pumps, NFPA

20 fire pumps, and NFPA 111 stored electrical energy

equipment and standby power systems.

See Attachment 2, which covers NEC Code

Making Panel 13, the ones that cover emergency

systems, for their statements on the necessity of
total selective coordination for the full range of
overcurrents.

Unfortunately, the change made to the
requirements for selective coordination generates
significant conflicts with the NEC violating ANSI 2.4
and 2.4.1.

Let's take a closer look at some of these
serious conflicts. Is it permissible to install
elevators circuits so that a short-circuit or ground
fault in one elevator can disable the elevators in
the bank or all the banks of elevators, stranding
passengers, workers, firemen, including their
equipment, and other first responders? The answer is
no per the NEC. The answer is yes per NFPA 99.

Is it permissible to install electrical
systems vital for human safety, emergency lighting,
emergency egress signs, ventilation, smoke control,
fire detection, alarm systems, elevators, fire pumps,
public safety communications, so that a short-circuit
or ground fault in one vital load can unnecessarily
knock out additional or all vital loads? The answer
so no per the NEC. The answer is yes for NFPA 99.

Page 15. Is it permissible to install
fire pumps so that a short-circuit or ground fault
can unnecessarily cause a loss of power to one or
more or all fire pumps? The answer is no per the
NEC. The answer is yes per NFPA 99.

Remedy. Reverse the vote on Certified
Amending Motions 99-10 through 99-14 from the 2011
association technical meeting.

Remedy 2. Accept the application for
membership from the National Electric Fuse
Association for the NFPA 99 Technical Committee on
Electrical Systems.

Now let's look at appeal 99-6. You can
follow along beginning on page 374 of the
supplemental agenda.

The Task Group and Sub-Task
Groups decide which NEC requirements they want to
control and designate them as performance based.

NFPA 99 builds its committee statements
around the belief that they have purview over all
requirements that have been deemed performance by the
Task Group and the Sub-Task Groups.

Conflicts now exist with NFPA 70,
resulting in significant safety, liability, and
1 enforcement issues.

2 Pages 7, 8, and 9 have the same balance, dominance, and openness issues as previously discussed.

3 Page 14. Let's look at some of the more serious conflicts. Is it okay to eliminate the sign that is placed at the service-entrance equipment to alert firemen of the type and location of an on-site power source? No per the NEC. Yes per NFPA 99.

4 Is it okay to eliminate marking of emergency circuit boxes so that first responders, when entering a smoke-filled facility, will know which is the normal system and which is the emergency system? No per the NEC. Yes per NFPA 99.

5 Continuing with conflict. NFPA 99 has added the word "installation" to the "purpose," creating a conflict with NEC, NFPA 70. Clear violation of ANSI 2.4.

6 Remedy -- I'm almost done here -- reverse the vote on Certified Amending Motion 99-6 from the 2011 association technical meeting.

7 Remedy -- and this is one you might want to do instead of the first remedy I gave. Simply
create a new 6.3.2.2.10.6 reading, Except as amended by Chapter 6, the Life Safety branch and Critical branch shall comply with NFPA 70, Article 700, Emergency Systems. That solves the majority of the problems.

And there's another one. Accept as amended by Chapter 6, the essential electrical system shall comply with NFPA 70, Article 708, Critical Operations Power Systems, when designated as a critical operations power system. Final remedy; remove the word "installation" from the "purpose."

In summary, we believe in the NFPA consensus process. But in this case the health care industry and those consulting for the health care industry circumvented the consensus process in order to gain control of requirements that they could not control within the National Electrical Code. Thank you for your time.

MR. BELL: Thank you. Mr. Dollard?

MR. DOLLARD: Thank you, Mr. Chairman.

My name is Jim Dollard with IBEW Local 98 in Philadelphia.

I've been involved in the NFPA consensus
process for many years. I presently serve in the NFPA consensus process on three NEC committees; the Technical Correlating Committee, CMP 10, CMP 13, NFPA 70E and NFPA 90A.

I'm here to support this appeal. I'm here to support the NFPA consensus process. As previously mentioned, this began with an appeal by Mr. Erickson in 2007.

In the letter that he wrote, he was upset with the way Article 700 was written. He said it didn't work for health care and he wanted you to reevaluate the makeup of Code Making Panel 15 because health care wasn't getting what they wanted in the NEC.

In your decision D07-6, the Erickson appeal was denied. Standards Council then directed the formation of a Task Group that was to review performance requirements for Life Safety Systems branch and equipment branch for emergency electrical systems.

The Task Group was titled the Task Group on Inter-Committee Coordination on Emergency Electrical Systems.
It was titled Emergency Electrical Systems, yet no one from NEC, CMP 13 with purview over emergency electrical systems had any input at any time.

The Task Group wasn't balanced. The Sub-Task Groups were grossly unbalanced. At the technical association meeting in --

MR. BELL: You've got about a minute.

MR. DOLLARD: -- June of 2011, Mr. Erickson, acting as chair, he had an intimate understanding of the Standards Council decision which was that they did not decide jurisdictional issues but found that the guidance was useful.

Mr. Erickson applied serious leverage by swaying the floor as he misrepresented what Council decided. It was a complete misrepresentation and no one wants to go against Standards Council, so that swayed the vote.

Performance and prescription. The NEC is an installation document. Yet on every page of the NEC you will find performance requirements in prescriptive text. It's what we do in the NEC.

If this appeal is not upheld, we will see
proposals from 99 that have to get extracted into the NEC which will be the beginning of the end.

You'll see guides from universities, home builders, everybody, because everybody's going to want to play the health care card and modify this.

This can be fixed. This can be fixed and it can be done in the NEC. This is nothing more than an end around and I don't think Mr. Erickson would disagree with that.

This was a way for them to try to get what they wanted, what they felt they needed. It should have been done within the covers of the NEC.

Thank you, Mr. Chairman.

MR. BELL: Thank you. Mr. Erickson.

MR. ERICKSON: I'm going to sit down because I'm going to read off of the computer. I was not prepared to go through each and every one of these technical debates.

By the way, Douglas Erickson, American Hospital Association. I was going to get there.

First of all, it's nice to be before the Council once again. I think it's probably my 20th or 25th time if I count my 30 years of working with NFPA.
I'm here really to represent the actions of the NFPA 99 TCC and also of the NFPA 99 ELS Committee.

I did come to you back in 2007. I mentioned to this Council fairly firmly that we have a problem and this problem is going to snowball. This problem is only going to get worse unless we have a direct division of who is responsible for what within either NFPA 99, Article 517, Article 700, now I'm hearing Article 708, which was never supposed to be applied to hospitals, and also NFPA 110.

All of these, all of these, have to do with the emergency power supply system of hospitals. How in the heck do we design our facilities, maintain our facilities, if we've got five different NFPA standards all with their fingers in the pie.

Those were kind of just some off-the-cuff remarks, but I did write a letter. I did not know it was going to be brought up today because this had nothing to do with NFPA 99.

This has everything to do with our right at purchasers to purchase equipment from
1 organizations that are supporting health care and not
2 making slanderous remarks against our members, and
3 also against the design community in which we count
4 on and rely upon very heavily.
5 And I'm sure if you went back to the
6 transcript from that meeting that we had before the
7 Council meeting, so back in 2007, in which the
8 document got returned to committee, you will find in
9 there it was the chairman of the board of NFPA who
10 was working for Cooper Bussman at the time who made
11 those slanderous remarks.
12 It's one of the reasons this letter was
13 written, and you will find that in the transcript.
14 So I just -- I did not come here to have to defend
15 myself on that but I felt it needed to be brought
16 forward.
17 Couple of things that I wanted to mention
18 to you, and these are formal remarks. First of all,
19 NEFA -- I don't know how you pronounce that -- first
20 of all, I can't even find them on the website. I
21 don't know who they are. I don't know who their
22 board of directors are. I don't know who they
23 represent or anything about them.
We've tried to figure that out. We've tried to find that out. We've tried to figure that when they made application to the ELS Committee.

This is a procedural issue. I can tell you what the TCC and the TC for ELS -- we heard NEFA three different times when they presented their position on instantaneous versus selective coordination at .1 second.

It wasn't as if they were out of the loop. They were there. They had plenty of opportunities. They had plenty of time.

The chairman gave them whatever time they needed. They had formal presentations. It's just that the ELS Committee voted 17 to 2 to say that we want a performance base for cascading faults set at .1 seconds up against instantaneous.

We weren't saying we were against trying to prevent cascading faults. We were just saying the performance is .1.

We were actually following -- and Mr. Degnan can bring this up -- but what -- the California state requirements are at .1. The Florida state requirement's at .1. City of Seattle at .1.
1 I mean, we are well within what the norm
2 was and is at this time. So once again, in defense
3 of the TC on Electrical Systems, we're following a
4 norm.
5 We were also given plenty of opportunity
6 to look at the technical side, and I did not want to
7 get into the technical side today because I think
8 this is more about the process than it is about the
9 technical.
10 We all know that the task force was
11 formed. It was formed under the purview of the
12 Council. Jim Carpenter, who is the current -- who
13 was the chair of the TCC of the National Electrical
14 Code was that chair, and Mark Earley and staff of
15 NFPA were the individuals that set the
16 inter-committee up, selected the members of the
17 inter-committee, and then also selected the Sub-Task
18 Group members.
19 We tried for two months to get Mr. Bliss,
20 who is chair of Panel 13, to appoint two members from
21 Panel 13 to this Sub-Task Group, and I've got my
22 e-mails showing the conversation back and forth. He
23 never did appoint.
Finally, I've got an e-mail in here saying to the rest of the members, We have to move forward. We have got a deadline. We've got to report back.

And for that account, that's why 13 was not represented. We were not trying to keep anybody out of our Sub-Task Group or out of the conversations. They purely did not step up to the plate at that point in time.

We reported back to the Task Group. The Task Group accepted our recommendations. The recommendations were sent forward to the Council.

The Council decided that this is the way it was going to go. The Council -- At that point in time we took back what the Council gave us and the committee on electrical systems did march forward and did use that information in order to write the new language within NFPA 99.

By the way, all of these things that were being brought up about the fact that 99 will not require things such as following NFPA 20, we do.

Following the electrical requirements for elevators out of the NEC, that's still a requirement.
It's not written out of NFPA 99.

Nothing in there, such as not having a placard on the outside of the door of the electrical systems saying where the on-site is -- We're a 24/7 operation.

I've got maintenance staff that is meeting the fire department, meeting the first responders to let them know where our emergency power supply systems are.

I mean, to go as far as saying we're in violation because we don't have a placard on a door, that's getting pretty, pretty nitpicky in my opinion.

I know that Mr. Dollard had brought up this whole thing about the fact that we didn't do our job. We were dealt the hand.

We were given the resources, both -- the human resources. We used the human resources to the best of our ability and we came up with what we thought was a reasonable compromise to what was going on between 99 and Article 517 at the time.

So in closing, what I'd like to do is say we did our job. We did it to the best of the ability that we had at the time with the resources we had,
the direction we had from the Council, and this is the end result.

I have to tell you, I am with Mr. Dollard. This is a mess. We have ourselves a true mess at this point in time.

As I said, health care is having to follow, for emergency power supply systems, five different either standards or articles within the NFPA system. We cannot tolerate this.

And so I would highly recommend that we still continue down a path of trying to figure out how best we’re going to look at health care emergency power and the standards of NFPA. So with that, Jim.

MR. DEGNAN: My name is James Degnan. I'm the chief engineer for Sparling. Sparling is a consulting electrical engineering firm based out of Seattle, Washington.

We have about 150 electrical engineers and four offices, mostly up and down the west coast.

I am also the ASHE representative to Code Making Panel 13.

I was one of two individuals that presented on selective coordination to the Electrical
Technical Committee at the ROC meeting, and I did not
know that there was an official request for a Code
Making 13 Panel member to be at that meeting, but I
was there coincidentally.

I should also make it clear that I was --

On Code Making Panel 13 I was in favor of the
proposals that wanted .1 second, and so I was in the
minority on that panel.

But I did present to the Technical
Committee there at the ROC, as well as Mr. Cranko did
from the National Electric Fuse Association.

I want to say that both of us had ample
opportunity to present to the entire Technical
Committee our viewpoints and had a very open
question-and-answer session that followed after that.

And I don't think that there was any stone that was
unturned in that process.

So I am in support of the action and the
process that developed the present language that's in
NFPA 99.

I am also in favor of the 0.1 second
criteria as I think that it allows hospitals to be
different from the egress lighting systems and egress
emergency systems that are the focus of Article 700 in the National Electric Code.

If you look at Article 700, there are very specific requirements in it for egress lighting that don't apply to the critical branch lighting that's often used in hospitals.

And there's new language in 700 that's being developed to require separation of systems in switchboards that -- to increase the reliability, but if configured as they are in 700 would actually decrease the reliability of the system in a hospital.

So there's a very definite need for NFPA 99 to move away from some of the language in 700 and I'm supportive of this and I encourage the denial of the appeal.

MR. BELL: Thank you. We'll open up to questions from the Standards Council at this point.

Mr. Milke.

MR. MILKE: Jim Milke, member of Council, to Mr. Allison. You've talked about the balance issues regarding this Task Group on Inter-Committee Coordination.

This Task Group was formed nominally in
07 or 08 I believe you mentioned. Any time before today was there a complaint filed about the balance of this committee?

MR. SAPORITA: No.

MR. BELL: Can you state your name?

MR. SAPORITA: Vince Saporita representing NEFA. There were no complaints filed. We wanted to work within the NFPA process. Quite frankly, that process failed us. That's why we're here today.

MR. MILKE: Just a follow-up, and I'm sorry for referring to you as Mr. Allison. Another question is in our supplemental agenda there is a listing of the Task Group members, the eight members. And you were suggesting there were perhaps three that were tied to the health care industry or you felt -- I'm looking at this handout we have. And there are eight names, and six of them have checks and I'm trying to sort out what the meaning of the checks might be as opposed to your reference about people being associated with the health care industry.
MR. SAPORITA: I believe three of the eight I mentioned were members of the health care -- users within the health care industry.

MR. BELL: Again I'd ask you to preface your remarks with your name.

MR. SAPORITA: Sorry. Vince Saporita. I'm sorry, sir. I don't know if I really understand your question. Did you want to know who was representing who?

MR. MILKE: Well, yes. I guess I'm trying to sort that out, because as I look at this roster with six checks, that would imply there are six out of eight people on this Task Group that have some connection. I'm trying to figure out what the check marks mean or who made them I guess.

MR. BELL: Mr. Dollard, do you have a comments?

MR. DOLLARD: Yes, I would like to make two brief comments. One, the reason there was no complaints about these Task Groups is no one knew until the work of the Task Group was done and it was disseminated to committees as, you know, this is what Standards Council said.
Standards Council said, Hey, all this is useful guidance. It was manipulated and turned into, You're going to do -- This is a document that came from Sub-Task Group 1.

And when you take a look at it, there's two members of CMP 15 on there, but Jim Duncan was a member of CMP 15, but he's a consultant to the health care industry. He's a consultant to health care.

So you've got four 99 players, a 110 player, and then a guy from NFPA 70. This is the group that made the decisions right here. And if that's not unbalanced, I don't know what is. Thank you, Mr. Chairman.

MR. BELL: Mr. Erickson.

MR. ERICKSON: I'll just read the e-mail from Mr. Talka who was the chair of Panel 15, to Mr. Morgan and Mr. Duncan.

It just says, Since the NEC is entering into the 2011 cycle -- It goes on and on and on, pointing them to this Task Group sub group or to the Task Group.

So in other words, this had nothing to do with the health care industry trying to put more
members on and get this committee out of balance.

This was a charge to the chair of the Panel 15 who decided that the two best members to represent Panel 15 was Mr. Morgan who's an enforcing authority and Mr. Duncan who also is a consulting engineer to the health care industry.

When you look at the committee itself, that committee was made up of individuals who represented various NFPA standards such as NFPA 101,


And the person who stepped up was Mike Crowley. It was -- The person who was representing NFPA 72 happened to be Peter Larrimer who worked for the Veterans Administration, but once again not selected by me, not selected by the health care community. Selected by the committee's structure meaning Mr. Carpenter and also NFPA staff.

So this attempt to lay blame that it's the health care industry that was trying to manipulate this system is totally unfounded, completely unfounded.

And when you look at the other members that were on the committee, they were made up of NFPA
20 -- and I think there was one other. It was 99, 20, 72, 101, and then I believe there was one other. I can't remember where they -- I've got it right here. Oh, it was NFPA 5000 and 110, Dave Stymiest from 110 who was the chair of 110 at the time.

So once again, there was no blatant attempt by the health care industry to do this. This was at the direction of Council to Mr. Carpenter and to NFPA staff to select those members.

MR. BELL: Miss Brodoff.

MS. BRODOFF: Maureen Brodoff. I just wanted to clarify. You've made various charges or allegations that the Task Groups were not balanced. Task Groups under our process are not Technical Committees and are not required to be balanced under ANSI-approved NFPA rules and I'd specifically cite 2.1.3.4.

And so I guess I just want to clarify, I don't think I heard -- please correct me if I'm wrong -- have you made any statements suggesting that the ELS Committee or other relevant Technical Committee did not meet the ANSI balance rules as defined by

LEAVITT REPORTING, INC.
MR. SAPORITA: Vince Saporita. No, ma'am.

MS. BRODOFF: Thank you.

MR. SAPORITA: No claims on the Technical Committee or the Technical Correlating Committee.

But I believe your regs say that Task Groups and Sub-Task Groups of Technical Committees or Technical Correlating Committees do not need to be balanced. It says nothing about Task Groups or Sub-Task Groups that report to the Standards Council.

And when you think about it, if it's a Task Group or a Sub-Task Group reporting to a Technical Committee, okay, they have oversight of technical people.

If we have a Task Group or a Sub-Task Group reporting to this higher -- the highest level committee of all, there aren't necessarily technical people on this group to oversee a Task Group or a Sub-Task Group from a technical standpoint.

So I don't think we would want to say that a Task Group or a Sub-Task Group reporting to this committee doesn't need to be balanced.

It's those that report -- because the
 regs do say that Task Groups and Sub-Task Groups that report to Technical Correlating Committees or Technical Committees must be balanced. There's nothing about reporting to the Standards Council.

MS. BRODOFF: You're not citing to any portion of the regs that require Task Groups or advisory groups that the Council may seek guidance from as having to be balanced under ANSI rules or any other rules within the NFPA process, are you?

MR. SAPORITA: I believe what you're saying is correct, but there were --

MS. BRODOFF: I just wanted to clarify that.

MR. SAPORITA: -- but there were instructions by this group for the committee to be balanced.

MS. BRODOFF: I understand. I just want to make the record clear.

MR. BELL: Mr. Dollard.

MR. DOLLARD: Jim Dollard. And to Vince's point, in the minutes of July 17, 2008, in the development of Sub-Task Group 1 and Sub-Task Group 2, there was clear direction from chairman Jim
Carpenter as to the makeup of the committees.

And in his directions it specifically said that it had to be balanced with the technical expertise to review the material in question. Thank you.

MS. CRONIN: Just to clarify your point -- this is Amy Cronin Standards Council secretary -- Mr. Dollard, are you saying that the Council provided that guidance?

MR. DOLLARD: No, I am not. I'm going to assume that it came from Mr. Carpenter because, as chairman, it was Mr. Carpenter's job to develop and assign these Sub-Task Groups.

So it's in the minutes. It's one of the things that I noted as I was reviewing the material. This was not the direction of Standards Council.

Standards Council directed the formation of a Task Group, was handed off to Jim Carpenter, and at that point it ended until you got a final report.

MS. CRONIN: Thank you for the clarification.

MS. BRODOFF: I think you've clarified it, Jim, but Doug Erickson indicated earlier in his
statement -- maybe he misspoke -- that Mark Earley
had appointed a Task Group, and I just want to
clarify that --

MR. ERICKSON: No, no. Doug Erickson,
American Hospital Association. What my statement was
that that -- after the Council had said to create
this Task Group, the Task Group was created by NFPA
staff and Mr. Carpenter. I imagine that's how it
happened.

MS. BRODOFF: There is a liaison role but
just to clarify, because I think it's an important
point for the record, our staffs don't have the
authority to appoint members to Task Groups, although
as liaisons they would assist in the developing --

MR. ERICKSON: All right.

MR. BELL: Ms. Cronin.

MS. CRONIN: Amy Cronin, Standards Council secretary. This question is for
Mr. Saporita. You mentioned a violation of the ANSI
essential requirement for openness. For the record,
did you have the ability to make the proposals,
comments, and NITMAMs?

MR. SAPORITA: Yes, ma'am.
MS. CRONIN: Did you present at the Technical Committee meeting?

MR. SAPORITA: We presented at the ROC meeting.

MS. CRONIN: Thank you.

MR. HARRINGTON: J.C. Harrington, member of Council. Question for Mr. Erickson. Mr. Saporita had talked about, in his testimony, a series of different conflicts on safety items between the NEC and between 99.

And I know you mentioned at least one of the examples regarding the placard as being something that you thought was insignificant that shouldn't need to be abided by, although I guess it is a requirement.

I just want to get a sense from you, is it your sense that that and really the other safety items that were talked about as well where there's conflicts, that they're essentially all insignificant items that, as it relates to 99 or health care, shouldn't be something that should need to be complied with?

MR. ERICKSON: Doug Erickson, American
Hospital Association. My comments were that with the exception of that placard, everything else is covered within NFPA 99.

They just didn't dig deep enough. And that's one of the things I didn't want to take a lot of time to go through the technical, but they were talking about the fact that we don't provide labels and show which panel boards are and are not emergency versus normal.

We say -- Right in our regs it says, Provide labels at each switchboard, panel board, motor control center, and other low distribution equipment, indicating the name of the device, the source of the power for the device, the branch or system of the device. Similarly label all feeder devices and all -- in the distribution equipment indicating the load served.

I mean, what I'm saying is I think we're being misrepresented in all of these things that -- where he says NEC says yes, NFPA 99 says no. With the exception of the placard on the door, that's the only thing that was left out of NFPA 99 as we were doing the rewrite. It's there.
MR. BELL: Mr. Saporita.

MR. SAPORITA: Vince Saporita, NEFA. I have to object to that. We spent a solid week going through NFPA 99, NFPA 101, NFPA 110, NFPA 20, and the National Electrical Code, looking to see what was left out.

What you see here, what you heard me talk about, is a small amount of the issues and the problems. If there was any question in our mind, we didn't even put it on the list. These are ones that are not there. They're not covered. To me they're important. Okay?

I don't want to see a bank of elevators go out because of a problem in one elevator. We don't allow that in stadiums. We don't allow that in high-rise buildings. We don't allow it in schools and universities, but we're going to allow it in a hospital.

MR. BELL: Ms. Brodoff.

MS. BRODOFF: Mr. Erickson, you're not a member of the ELS Technical Committee.

MR. ERICKSON: No, I'm not.
MS. BRODOFF: So you didn't vote on either -- except in your capacity as a TCC member, you didn't vote on these -- either of these proposals that were the subject of CAM's?

MR. ERICKSON: Doug Erickson, the American Hospital Association. The answer is no.

MS. BRODOFF: And the TCC took no action apart from what the committees did on these motions.

MR. ERICKSON: We're a Correlating Committee and we're not a Technical Committee, that's correct.

MS. BRODOFF: So the answer is you didn't do any -- there were no Technical Correlating Committee notes or actions that revised the actions of the Technical Committee?

MR. ERICKSON: Absolutely not.

MS. BRODOFF: And one more question if I may to Mr. Allison. Did you make any requests of Mr. Erickson to recuse himself or otherwise not take action in the course of conducting his activities? Not in the previous revision cycle but in the current revision cycle of 99.

MR. SAPORITA: No, ma'am. Vince
Saporita. No, ma'am.

MS. BRODOFF: And do you have any specific actions related to Mr. Erickson's office of chair in this reconviction cycle that you want to put on the record as in some way affecting the outcome?

MR. SAPORITA: Not at this point, no, ma'am.

MR. BELL: Kerry Bell, member of Council. I've got one question, just kind of a follow-up to some questions that Miss Brodoff and Miss Cronin had. And that is -- my question to you, Mr. Saporita, is there any area of the regulations for developing standards that you think that was violated?

You made reference to essential ANSI essential requirements, but is there any specific regulation that you believe was violated?

Regulations that have been published by NFPA.

MR. SAPORITA: Well, I believe that -- You don't cover dominance that I'm aware of within the NFPA regs, so I won't get into the dominance.

But I believe that we did not have balance on the Task Group or on the Sub-Task Groups,
and the results of not having balance in the Sub-Task Group and in the Task Group was that it was determined -- they determined what portions of the NEC they couldn't control, where they didn't get their wish.

They didn't get what they wanted in the NEC so they pulled these over and called them performance.

Once they're performance they go into NFPA 99 which is basically -- if you read Mr. Talka's comments in the records, Mr. Talka even talks about -- it's mainly health care.

Once it's over into the NFPA 99 domain, they do with it what they want and they get what they want. This was an end around the system. This was getting around the National Electrical Code.

It circumvented the National Electrical Code. And what we're going to have, we're going to see the National Association For High-Rise Buildings, we're going to see education, we're going to see universities, come to this body and ask for codes and standards that will apply only to them.

And at what point -- How much conflict do
we need between a university standard and the National Electrical Code or NFPA 20?

I agree with Mr. Erickson. It is a mess and it's going to get a lot worse unless we do something about it.

MR. BELL: Miss Cronin.

MS. CRONIN: As a follow-up question, can you cite any of the regulations governing committee projects that were violated during this process?

MR. SAPORITA: Balance.

MS. CRONIN: Are you referring to balance of a Technical Committee?

MR. SAPORITA: Balance of the Task Group and Sub-Task Group.

MS. CRONIN: So the answer is no? Balance of a Technical Committee are you questioning?

MR. SAPORITA: I'm not questioning the balance of a Technical Committee, no, ma'am.

MS. CRONIN: Thank you.

MR. BELL: Mr. Demers.

MR. DEMERS: David Demers, member of the Standards Council. Mr. Saporita -- and I'm not interested in any rhetoric. I'm just interested in
some straight answers.

MR. SAPORITA: Okay.

MR. DEMERS: There's been an inference that the National Electrical Fuse Association is not a valid organization.

I'd like to know, are there articles of organization? Who are the members? What's your role in it?

Do you have -- You've been referred to here several times as Mr. Allison, and I know Mr. Allison very well and obviously he's not here, but what position you represent on behalf of Mr. Allison and the specifics of NEFA, just for the clarification off the record.

MR. SAPORITA: Vince Saporita. NEFA is an honest, legitimate body. We have legal counsel, Hugh, over in the corner. Hugh drew up all of the legal requirements necessary.

We have a member on NFPA 110 and 111 from the NEFA organization that you folks have approved.

We have applied for numerous code panels including NFPA 99. The three members are Little Fuse, Mersen, which used to be Carbone Ferraz, and Cooper Bussman.
And in fact, we just last week sent in another application and have included all the bylaws and the rules governing committee action and the rules for members on outside organizations. We’ve included all that in applications -- in an application that we just sent in last week for NFPA 99. So all of that information is actually here in the building today.

MR. DEMERS: Thank you. That was the kind of information I was looking for.

MR. BELL: Mr. Jardin.

MR. JARDIN: Joe Jardin, member of Council. Maybe for context, Mr. Saporita, and possibly Mr. Erickson, for us non-electrical technical types, can you explain, beyond the process issues you have and some of the safety claims you made, what practical impact does this have on your companies and the association you represent in terms of your product and marketplace, the language in here going forward.

MR. SAPORITA: The language on selective coordination, on preventing a blackout, if it continues as is, will harm our business from a sales
standpoint.

The method to achieve selective coordination can be very easy if a consulting engineer wants to use fuses.

It can be more difficult to design with circuit breakers but it can be done and it is done every day.

Selective coordination, for those that aren't technical, is the isolation of a problem where it occurs without taking out more of the system.

For example, somebody scrubbing a floor in the basement and their floor scrubber shorts out. You would want only that 20-ampere circuit breaker to open.

You wouldn't want to take out the 200-ampere device in -- the main on that panel board.

You would not want to take out the 800-ampere main in the building.

So that's what selective coordination is.

It's isolation of a problem. It's very easy to do that with a fusible system. You can do it with a circuit breaker system just as well. It takes more work.
MR. JARDIN:  Thanks.

MR. BELL:  Miss Brodoff.

MS. BRODOFF:  My apologies for calling you Mr. Allison earlier. I was one of the culpable people. Mr. Saporita, I think I understand you to be saying that the selective coordination requirements that you're objecting to do not limit the ability of fuse manufacturer members of yours of installing and meeting the selective coordination requirements, is that correct?

MR. Saporita:  Vince Saporita. This change as proposed by NFPA 99 does not prevent us from selling into the marketplace. This change does remove the requirements for selective coordination for all practical purposes. There is no longer a need for selective coordination, so there's no need to worry about whether you have fuses or circuit breakers. There's basically no requirement there.

MR. BELL:  Mr. Dollard.

MR. DOLLARD:  Thank you, Mr. Chairman.

Jim Dollard. I would like to respond to an earlier
1 question about any rules.
2 In supplemental attachment 11-8-6-A-1, I
3 think this is coming from the committee officers
4 guide, but annex A9 gives you guidelines of potential
5 jurisdictional scope issues between committees
6 developing occupancy standards and committees
7 developing installation standards.
8 This was provided to the Task Group. It
9 was not followed. As a member of CMP 13, we received
10 no proposals to fix these types of problems.
11 We received a couple of proposals from
12 the health care industry on selective coordination
13 but that was it.
14 All these other areas -- and to
15 Mr. Erickson's earlier point, he read a section from
16 NFPA 99 and I'm certain they are in NFPA 99.
17 The problem is that NFPA 99 is not
18 adopted statewide and now you've got a major
19 enforcement issue.
20 Good code has to be easy to read,
21 practical, and enforceable. What we're doing here is
22 not enforceable.
23 We're going to now start to extract
requirements from 99 into the NEC, and we're setting a path for a dozen -- You have the home builders, you name it. They're all going to come to you for a guide, develop their own standard, and we won't have an NEC anymore. We'll have occupancy-based standards with electrical requirements. Thank you,

Mr. Chairman.

MR. BELL: Mr. Degnan.

MR. DEGNAN: James Degnan, Sparling. I just would like to follow up on Mr. Saporita's comment regarding the marketplace presence of the 0.1 selection criteria.

I would say that both fuses and circuit breakers have advantages in the industry, but when it comes to selective coordination, it's pretty clear that it can be done faster and more effectively and at less cost with fuses.

The whole requirements for selective coordination in the National Electric Code were initially initiated by a fuse manufacturer.

I disagree with the statement that the 0.1 criteria essentially guts the requirements for selective coordination.
There are several key aspects of coordination that are still required under the 0.1 criteria. And in particular -- and I'll get a little technical here but -- when we look at between a circuit breaker or source such as a generator or service in the branch circuit that's downstream, there's only about 6 nodes of circuit breakers that can get into that window. And that window is retained under the 0.1 second criteria and that also results in a better performing electrical system. And so this is not a non-performance requirement. The 0.1 is a valid performance requirement that does impose restrictions on designers and -- but at the same time, it allows them to weigh those decisions against other equally relevant criteria such as the arc flash criteria which can create a hazard or electricians who are working on energized electrical systems. And in hospitals that are 24/7 facilities, it is often necessary to work on energized electrical systems.
And again, it's one of the reasons that NFPA 99 needs to look at separation from Article 700.

MR. BELL: Mr. Erickson.

MR. ERICKSON: Doug Erickson, American Hospital Association. Just to let you know, the ELS Committee did hear from the Fuse Manufacturer Association three times. Not once. Three times. Because we had two ROC meetings because we did get returned to committee, and they were at both the ROC meetings and also at the initial ROP meeting.

And so there were three different opportunities where this technical discussion that's going on right now did take place.

And once again, to defend the chair who could not be here today for ELS, that chair gave the Fuse Manufacturers Association more than adequate time to present their case and to argue back and forth and debate what the merits of instantaneous versus 30.1 seconds.

MR. BELL: Mr. Saporita.

MR. SAPORITA: Vince Saporita. I would urge the Council members to please look at Attachment
2. It is a brief outline of the committee statements from Code Making Panel 13 which is responsible for emergency systems.

All of these technical issues have been debated over and over and over again by two different Code Making Panel 13’s.

It was first put in the 2005 National Electrical Code. That Code Making Panel was blown up. It was blown up and told, Please do not reapply.

A brand new Code Making Panel 13 was brought back in and they kept the same requirements.

That was for the 2008 National Electrical Code.

It has been discussed over and over by the 2005 committee, the 2008 committee, the 2011 committee.

I urge you to read Attachment 2. See what they have to say about it. These are the experts. They know what’s going on. Thank you, sir.

MR. BELL: Kerry Bell, member of Council.

I’ve got a question for Mr. Saporita. On page 22 of one of your handouts here relating to agenda topic 11-8-6-a, you suggest one of the remedies is to create some new text.
And my question to you, did you submit this text during the proposal or comment phase at all?

MR. SAPORITA: Vince Saporita. No, sir. We actually came up with that text as we were writing these appeals.

It just kind of hit us like a brick of what we were asking to do -- in the Certified Amending Motion.

If the NFPA 99 Technical Committee does indeed believe that it is bound by Article 700, then they will have no problem with those suggested words. Now, we know from past NEC proposals for Code Making Panel 15 that the health care people have wanted to divorce themselves from Article 700.

Yet we heard at this past annual meeting, we heard a number of people stand up to the microphone and say, Oh, no, no, we're still bound by Article 700.

If in fact that is the case, there should be no objection to those words. And again, we came up with those words as we were preparing for the appeal. It just provides a very simple solution to
Certified Amending Motion 99-6.

MR. BELL: Mr. Erickson.

MR. ERICKSON: The language you heard at the technical session was to say we are bound by certain sections of Article 700.

There are still sections of 700 that will appear within both 99 and eventually within Article 517.

It wasn't saying that we completely threw the baby out with the bath water. We're saying that 700 does not fit for health care facilities in its totality, and what we wanted to do was pick and choose those sections of 700 that do apply to Article 517 and also apply to NFPA 99.

MR. BELL: Thank you. Any final questions? Mr. Clary.

MR. CLARY: Well, I have no final questions. Question I guess for Mr. Erickson. I'm just trying to still get a handle around -- I know that hospitals are very complex buildings; in fact, possibly one of the most complex buildings that are constructed due to all of their safety systems and gas delivery systems and everything else that are
within those structures.

But I guess what's the primary reason
that 99 does need to have separate requirements for
electrical system that's not in the 99.

I heard one that it may be maintenance
because these are 24/7 systems and this allows you to
work on -- easier on live systems than just shutting
down the power.

But is there any other major compelling
reason why 99 as opposed to -- it's brought up, you
know, a typical high-rise structure or stadium or
other types of buildings that follow the NEC as
opposed to having their own particular standard.

MR. ERICKSON: Doug Erickson, American
Hospital Association. There are numerous. First of
all, I chaired NFPA 110 for ten years.

NFPA 110, as we know, is the standard for
emergency power supply systems. Within that standard
we have different classifications of generator
systems, of emergency power supply systems, whether
it's a Type I, Type II system, how quickly it has to
come on line; is it on line within --

instantaneously, 10 seconds, 30 seconds, two hours,
10 minutes? None of that appears within 700.

The next thing is do we -- when you look

at the maintenance in the testing and how we do our

acceptance testing versus how we do our monthly

testing and our testing every three years for four

hours.

I mean, there's a lot built into the

efficiency power supply system of a hospital that is

much different than a high-rise or auditorium, a

school, etcetera, because we are a 24/7.

We have those very critical patients that

are within our health care facilities and, by the

way, if you combine 110 and 99, you have a much

stronger code than you do within Article 700 for

emergency power supply systems. Much stronger.

MR. CLARY: Thank you.

MR. BELL: Mr. Degnan.

MR. DEGNAN: James Degnan, Sparling. I

would just like to add to that that in the other

buildings types that you mentioned, office buildings

and so forth, the application of Article 700 is

written towards egress systems, towards helping

people evacuate the building in the event of a fire
In hospitals an emergency system is used to sustain life, and so you get into evaluating how a system that or code that's written to get people out of a building is used to sustain life within a building. And there are differences.

MR. CLARY: Thank you.

MR. BELL: Final questions from Council members? Seeing none we'll allow five minutes for closing remarks on both sides. Mr. Saporita.

MR. SAPORITA: Thank you for the time to allow us to come speak before the Standards Council. I think -- You know, we've heard some claims of balance, dominance, openness, and conflict. I've heard very little response from the opposing side disclaiming those suggestions for balance. The dominance is clear. I recognize dominance is not within NFPA regs, but dominance is certainly within the ANSI essential requirements. Openness and conflict. They're there. It's hard to -- It's hard to deny that those aren't there.
We've also seen in the conflict -- and I think many of those areas that I covered somehow touched most each and every one of you, whether it's a fireman getting stranded in an elevator or a first responder entering a smoke-filled room.

If we allow this to occur, we will have less stringent requirements in NFPA 99 than we have for other types of assembly occupancies such as schools, universities, high-rises, office buildings.

Can we allow such differences? Can we allow such conflict between standards? I urge you to accept both of these appeals. Thank you.

MR. BELL: Mr. Erickson.

MR. ERICKSON: Doug Erickson, American Hospital Association --

MR. BELL: I'm sorry. Mr. Dollard.

MR. DOLLARD: Thank you, Mr. Chairman.

I would just like -- Jim Dollard, for the record. I would just like the Council, when you consider this appeal, to keep a couple of things in mind and I believe they are paramount.

And that is that the National Electrical Code Committee has denied what has been done in an
end around. This is really just a means and method
to subvert the NEC.

The reason there was no CMP 13 members --
and Jim and I are both -- Jim is a CMP 13 member. He
was not at the time he spoke to the Task Group. It's
because at that time there was no CMP 13.

So it's significant that the NEC
community has said no. Can this be done? The answer
is yes. We need a strong Task Group.

We need a chairman that stays involved
with the Sub-Task Groups, and I guarantee this can be
done within the NEC and actually make Mr. Erickson
happy.

When you take a look at this cycle of 99,
we had serious problems. We had a return to
committee.

We had two chapters that were deleted.

Now we're writing TIA's. This is just another
problem in this cycle.

In my opinion -- and I refuse at
Standards Council to get into technical debates
because that's for the CMP's, that's for the
Technical Committees and not here.
But in my opinion you will find clear procedural violations. This is not how the consensus process is supposed to work. It's broken. It's the reason I'm here.

And I would like to thank you for your time. I know your workload is tremendous and I won't belabor this anymore. Thank you, Mr. Chairman.

MR. BELL: Now Mr. Erickson.

MR. ERICKSON: Doug Erickson, American Hospital Association. First of all, I just want to make a few points.

The Task Group for the Inter-Committee on Emergency Power Systems I believe followed the rules of the Standards Council.

Also, we had what we considered was a non-biased group appointed by, once again, Mr. Carpenter and -- I won't bring up -- with probably recommendations from staff.

We worked hard to get our work done. We did it, as I said, in an unbiased fashion.

Second thing is we do believe that selective coordination is performance related.

Whether it's instantaneous or 0.1, that is
performance. That is not installation.

We are not against trying to keep cascading faults from occurring. As a matter of fact, look at the history in health care facilities and I will guarantee you will not find any difference from before 2005 when this was entered into Article 700 as to today.

The second thing is NFPA 99 is now a code. We are no longer a standard. We are a code, and we will be recognized as a code by many of the authorities having jurisdictions that said we could not adopt you as a standard but we can now adopt you as a code.

We are recognized by the Centers For Medicare and Medicaid Services, by the Joint Commission, by other national organizations, VA, DOD.

We're not just a little fly-by-night outfit out there any longer. The ELS Committee is made up of 22, maybe 24. It keeps growing almost every day as more members of the contracting committee, the installing community, the manufacturing community, the consulting community, come on board.
The problem we have right now is we’ve got two committees; one panel, Panel 15, and an Electrical Systems Technical Committee, responsible for pretty much the same material. We’re almost duplicating our work at this point in time, so that is an issue.

Next issue that I want to have as a remark is we have to do something with Article 700 and NFPA 110. They both speak to emergency power supply systems, 110 being close to a 30-some-odd page document, 700 being a 3-page, 4-page document. There has to be some reconciliation there.

Next thing is, yes, we did get returned to committee; yes, we did have some issues this go-around. We came to the Council.

We came to the standards administration of NFPA many years ago and we wanted to completely rewrite NFPA 99 which had been in existence for about 25 years and had looked like Frankenstein.

It had different body parts all over the place. It was bandaged. It was all pieced together.

And it was time for a rewrite.
I never knew how difficult it was going to be when I asked to have that accomplished. It was not simple.

We went from an occupancy-based criteria, meaning that we were putting ourselves into silos, hospitals, ambulatory care, nursing homes, other health care types of facilities, dental.

Well, if you've watched health care over the last 10, 15, 20 years, you've seen that we no longer have those silos.

Health care goes anywhere from home health care all the way up to the major tertiary care facilities.

So what we did as a 99 committee was we tore down those silos and we went to a risk-based system, meaning what is the risk of the patient in whatever kind of an occupancy that patient happens to be receiving care.

Whether it's an ambulatory surgical facility, where's it's in a hospital, whether it's in an ambulatory health care, whether it's in a doctor's office, it was all based on risk. This did not come easy.
So here again, yeah, there were some flaws in the system, there was a couple of hiccups in the system, but all in all we've accomplished our goal.

I have to really thank the committee members that worked thousands and thousands of hours to make this happen.

And I can tell you we didn't take any of this lightly as we were looking at the kinds of conflicts that we're talking about now between Article 517 and 99.

We truly believe that we did what was best for the health care community, for the type of construction, the patients we serve, and pretty much for the communities that's we serve. Thank you very much.

MR. BELL: At this point we're going to close this hearing. Before I do this I want to sincerely thank each of you for coming to Braintree and participating in this hearing and sharing your valuable input.

I do want to remind you that the decision of the Standards Council will be issued in writing.
No NFPA or Standards Council member is permitted to convey any information regarding this decision. The official decision of the Standards Council will be issued by the secretary, Amy Cronin. And with that, we're going to close this hearing and go off the record. We're going to take a break. (Whereupon at 11:55 a.m. the hearing closed.)
CERTIFICATE

I hereby certify that the foregoing 191 pages contain a full, true and correct transcription of all my stenographic notes to the best of my ability taken in the above-captioned matter held at the offices of the NFPA on Tuesday, August 9, 2011, commencing at 8:00 a.m.

Linda J. Modano, Registered Professional Reporter

My commission expires May 11, 2018
