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MEMORANDUM

TO: Technical Committee on Aircraft Fueling Servicing
FROM: Yiu Lee, *Committee Administrator*
DATE: October 29, 2021
SUBJECT: NFPA 407 Proposed TIA No.1610 **PRELIMINARY TC BALLOT RESULTS**

According to 5.6(a) in the NFPA *Regs*, the preliminary results show this TIA **HAS** achieved the $\frac{3}{4}$ majority vote needed on both Ballot Item No. 1 (**Technical Merit**) and Ballot Item No. 2 (**Emergency Nature**).

27 Eligible to Vote
1 Not Returned (*Waggett*)

Technical Merit:

0 Abstentions
22 Agree (*w/comment, Leahey, Lindner, Moody, Souza, Tonnacliff*)
4 Disagree (*Gambino, Hawthorne, Murray, Sundby*)

Emergency Nature:

0 Abstentions
23 Agree (*w/comment, Bautista, Demyan, Leahey, Lindner, Mostchman, Souza, Sundby, Tonnacliff*)
3 Disagree (*Gambino, Hawthorne, King*)

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative $\frac{3}{4}$ vote]. Both questions must pass ballot in order to recommend that the Standards Council issue this TIA.

(1) In all cases, an affirmative vote of at least a simple majority of the total membership eligible to vote is required.

$$[27 \text{ eligible} \div 2 = 13.5 = \mathbf{14 \text{ (rounded up)}}]$$

(2) The number of affirmative votes needed to satisfy the $\frac{3}{4}$ requirement is **20**.
($27 \text{ eligible to vote} - 1 \text{ not returned} - 0 \text{ abstentions} = 26 \times 0.75 = 19.5$)

Ballot comments are attached for your review.

This proposed TIA has been published for public comment in the *NFPA News* with a Public Comment Closing Date of October 29, 2021. Any public comments received will be circulated to the committee. The Standards Council will consider the issuance of this TIA.

**NFPA TECHNICAL COMMITTEE ON AIRCRAFT FUEL SERVICING
PROPOSED TENTATIVE LOG NO. 1610 - PRELIMINARY BALLOT RESULTS**

QUESTION NO. 1: I AGREE with the TECHNICAL MERITS of the Proposed TIA Log No. 1610 to Revise paragraph 5.1.12.4, Delete Annex A.5.1.12.4.

Eligible to Vote: 27

Not Returned : 1

Ronald Waggett

Vote Selection

Agree

Votes

22

Comments

Michael Kluttz

Agree

Jeremy Souza

Agree. The industry has had over 5 years to meet this requirement, four of those years before the pandemic struck. Indeed, many airports were able to meet the requirement. That said, to facilitate industry-wide compliance, a 2-year extension is sound.

Thomas Boriack

Agree

John J. Demyan

Agree

Marc S. Tonnacliff

The proposed TIA intends to correct a circumstance where the revised NFPA standard has resulted in an adverse impact on a product or methods that were inadvertently overlooked during the revision process or was without adequate technical (safety) justification for the action. Therefore, the additional requirement for an automatic secondary shutdown system is not considered "Emergency in Nature" and the impact of the TIA is minimal on fire safety for airports that have not yet installed an automatic secondary shutdown system, as long as the current safety procedures are followed. We understand the basis of this extension is due to the global coronavirus pandemic which has restricted the ability to comply with the implementation date because of labor constraints, social distancing requirements, delays in global shipping, availability of parts, and travel restrictions. This has inhibited the procurement process and installation of the electronic overflow protection system.

Michael Motschman

Agree

Andrew Lipari

Agree

John Leahey

While I understand and agree with issues stated due to the coronavirus pandemic which occurred during the final year of the five year implementation period, I would be remiss if I didn't mention that those who were affected by this requirement and took the initiative to begin working to meet the requirement should be recognized. Many airports utilized the given five year time frame and because of this were still able to meet the implementation deadline even during a global pandemic.

Jean-Luc Kassabian

Agree

William E. Moody

The TIA is for a revision of a standard that I cannot agree with. I agree to the extension, however I do not agree with the requirements set out in 5.1.12. Will make comment for next revision to review this requirement and discuss other alternatives. Am open to review any data that is driving his requirement.

Kenneth M. Bilson

Agree

Cristino Colon, Jr.		Agree
Terry L. Bosserman		Agree
David Wesley King		Agree
Jason Travis Pritchett		Agree
Brian Lacher		Agree
Steve C. Berry		Agree.
John Behrens Lindner		AGREE - Due to unavoidable issues of supply the date needs to be extended
Donald Nodes		Agree
Reed C. Fuller		Agree
Miguel Bautista		Agree
Brian G. Coyle		Agree
Disagree	4	
Thomas D. Gambino		No assurances from the submitter has been provided that a 2-year extension would promote compliance with the the requirements of Paragraph 5.1.12.
Edward M. Hawthorne		Already provided 5 years to implement.
Dan Murray		Given the current supply chain environment and labor shortage, I do not believe a two year extension from June 2nd, 2021 will be sufficient. Industry expectation will be two years before we might be able to get our supply chain back in order if we do not have any further pandemic set back. Maybe another year or two will be needed. It certainly is not in a productive state today.
Paul E. Sundby		I don't think enough discussion has taken place about the latest TIA date. Need to confirm the FAA and NFPA dates will align and is June 2023 the correct date? I still believe in the overfill requirement, just want the dates to align and confirmed it as doable. I Don't want another extension.
Abstain	0	

QUESTION NO. 2: I AGREE that the subject is of an EMERGENCY NATURE for one or more of the reasons noted in the Instructions box.

Eligible to Vote: 27

Not Returned : 1

Ronald Waggett

Vote Selection

Agree

Votes

23

Comments

Michael Kluttz

F

Jeremy Souza

While the industry has had now more than 5 years to achieve compliance with this requirement, I agree that an additional two years is warranted based on current supply problems.

Thomas Boriack

Agree, F

John J. Demyan

I will agree with this extension, but I don't believe it will fix the problem. They had 5 years to comply, and many airports did go and get the new system installed at their fuel farms. Their local FAA Part 139 inspector probably sent out a letter asking if they comply with the new standard and provided guidance on how to proceed if you did not meet the requirement by the deadline.

Marc S. Tonnacliff		The proposed TIA intends to correct a circumstance where the revised NFPA standard has resulted in an adverse impact on a product or methods that were inadvertently overlooked during the revision process or was without adequate technical (safety) justification for the action. Therefore, the additional requirement for an automatic secondary shutdown system is not considered "Emergency in Nature" and the impact of the TIA is minimal on fire safety for airports that have not yet installed an automatic secondary shutdown system, as long as the current safety procedures are followed. We understand the basis of this extension is due to the global coronavirus pandemic which has restricted the ability to comply with the implementation date because of labor constraints, social distancing requirements, delays in global shipping, availability of parts, and travel restrictions. This has inhibited the procurement process and installation of the electronic overfill protection system.
Michael Motschman		Due to the pandemic
Andrew Lipari		F
John Leahey		The global pandemic has created a unique situation that could not have been foreseen at the time the standard was revised.
Jean-Luc Kassabian		A
William E. Moody		F
Kenneth M. Bilson		F
Cristino Colon, Jr.		"A"
Terry L. Bosserman		agree
Jason Travis Pritchett		F.
Dan Murray		Agree
Brian Lacher		F.
Paul E. Sundby		This needs to be dealt with.
Steve C. Berry		F.
John Behrens Lindner		AGREE - There are presently inspectors attempting to enforce this section.
Donald Nodes		Agree
Reed C. Fuller		F
Miguel Bautista		F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.
Brian G. Coyle		F
Disagree	3	
Thomas D. Gambino		This request does not rise to an Emergency Nature, because as part of the 2017 revision the public was provided with a 5-year phase in period.
Edward M. Hawthorne		Had 5 years to implement
David Wesley King		I disagree that this is not of an emergency nature but a standard compliance road block that will need to be addressed due to materials shortage and the corona virus epidemic.
Abstain	0	

NFPA 407-2022 Edition

Standard for Aircraft Fuel Servicing

TIA Log No.: 1610

Reference: 5.1.12.4 and A.5.1.12.4

Comment Closing Date: October 29, 2021

Submitter: Keith Taylor, Delta Air Lines, Fuel Division

www.nfpa.org/407

1. Revise paragraph 5.1.12.4 to read as follows:

5.1.12.4* New and existing loading systems shall comply with 5.1.12.1 through 5.1.12.3 by June 2, ~~2021~~2023.

2. Delete Annex A.5.1.12.4 in its entirety as follows:

~~**A.5.1.12.4** This date is consistent with the 5-year phase-in for overfill prevention systems as required in the 2017 edition of NFPA 407.~~

Substantiation: The global coronavirus pandemic has restricted the ability to comply with the implementation date. Manpower constraints, social distancing requirements, delays in global shipping, availability of parts, and travel restrictions have inhibited the procurement and installation of the electronic overfill protection system. Although the original implementation date has already passed, the Committee should consider that many of the above-mentioned impacts will continue for the foreseeable future and that more time will be needed to conduct a safe and effective upgrade.

Given the above, this TIA is to request a 24-month extension to the implementation date outlined in section 5.1.12, Aircraft Fuel Servicing Vehicle Loading and Unloading Racks.

Emergency Nature: The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.

The global coronavirus pandemic has restricted the ability to comply with this implementation date. Manpower constraints, social distancing requirements, delays in global shipping, availability of parts and travel restrictions have inhibited the procurement and installation of the electronic overfill protection system.

TENTATIVE INTERIM AMENDMENT BALLOT
EMERGENCY NATURE SELECTION OF RESPONSES

- A.** The standard contains an error or an omission that was overlooked during the regular revision process.
- B.** The NFPA Standard contains a conflict within the NFPA Standard or with another NFPA Standard.
- C.** The proposed TIA intends to correct a previously unknown existing hazard.
- D.** The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.
- E.** The proposed TIA intends to accomplish a recognition of an advance in the art of safeguarding property or life where an alternative method is not in current use or is unavailable to the public.
- F.** The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.