MEMORANDUM

TO: Correlating Committee on Health Care Facilities Code

FROM: Elena Carroll, Project Administrator

DATE: October 4, 2016

SUBJECT: NFPA 99 Proposed Tentative Interim Amendment (TIA) No. 1246

The Technical Committees on Fundamentals and Mechanical Systems have been balloted on proposed TIA 1246, submitted by Chad Beebe of American Society for Healthcare Engineering - AHA and the endorsers are Gordon Burrill of Teegor Consulting Inc., Henry Kowalenko of Illinois Department of Public Health, John Williams of Washington State Department of Health, and George Mills of The Joint Commission. A copy of the proposed TIA and the preliminary results of the TC balloting are attached.

This proposed TIA is being submitted to you for letter ballot to Revise 2.3.2 in the 2012 edition of NFPA 99, Health Care Facilities Code. In accordance with Section 5 of the Regulations Governing the Development of NFPA Standards, you are being balloted on any correlating issues of the proposed TIA and whether this matter is of an emergency nature. A “disagree” vote is limited to subjects within the purview of the Correlating Committee. Opposition on a strictly technical basis is not sufficient grounds for substantiating a “disagree” vote.

Please complete and return the attached letter ballot to Elena Carroll either via email to ecarroll@nfpa.org or via fax to 617-984-7110. Ballots are due on October 11, 2016.

This proposed TIA 1246 has been published for public comment in the September 9, 2016 issue of NFPA News with a Public Comment Closing Date of October 21, 2016. Any public comments received will be circulated to the committee. The Standards Council will consider the issuance of this TIA at their November 30 – December 1, 2016 meeting.

Note: Please remember that the return of ballots and attendance at committee meetings are required in accordance with the Regulations Governing the Development of NFPA Standards.
MEMORANDUM

TO: Technical Committee on Fundamentals
FROM: Elena Carroll, Project Administrator
DATE: October 4, 2016
SUBJECT: NFPA 99 Proposed TIA No. 1246 PRELIMINARY TC BALLOT RESULTS

According to 5.6(a) in the NFPA Regs, the preliminary results show this TIA HAS achieved the ¾ majority vote needed on both Ballot Item No. 1 (Technical Merit) and Ballot Item No. 2 (Emergency Nature).

24 Eligible to Vote
6 Not Returned (Abell, Brooks, Day, Jensen, Kowalenko, Lathrop)

<table>
<thead>
<tr>
<th>Technical Merit:</th>
<th>Emergency Nature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Abstentions</td>
<td>0 Abstentions</td>
</tr>
<tr>
<td>17 Agree</td>
<td>17 Agree</td>
</tr>
<tr>
<td>1 Disagree (Sontag)</td>
<td>1 Disagree (Sontag)</td>
</tr>
</tbody>
</table>

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative ¾ 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.

\[ \frac{24 \text{ eligible}}{2} + 1 = 13 \]

(2) The number of affirmative votes needed to satisfy the ¾ requirement is 14

\( (24 \text{ eligible to vote} - 6 \text{ not returned} - 0 \text{ abstentions} = 18 \times 0.75 = 13.5) \)

Ballot comments are attached for your review.

This proposed TIA has been published for public comment in the September 9, 2016 issue of NFPA News with a Public Comment Closing Date of October 21, 2016. Any public comments received will be circulated to the committee. The Standards Council will consider the issuance of this TIA at their November 30 – December 1, 2016 meeting.

Attachment
Ballot Item No. 1:
I agree with the TECHNICAL MERITS of the Proposed TIA to Revise 2.3.2 of the 2012 edition.

__________ AGREE  _____X_____ DISAGREE*  __________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation shall accompany a “disagree” or “abstain” vote.
It is inappropriate to retroactively adopt a referenced standard that did not exist at the time of the promulgation of the code. The referenced documents that are being added to the addendum did not exist and had not been adopted by ASHRAE at the time of the Code being promulgated. While these new documents may be valuable in understanding best practice they do not amount to an emergency for either the facility or its patients. These standards should be reviewed and adopted in full view of the membership on their own merits through the code adoption process.

Ballot Item No. 2:
I agree that the subject is of an EMERGENCY NATURE.

__________ AGREE  _____X_____ DISAGREE*  __________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation shall accompany a “disagree” or “abstain” vote.
It is inappropriate to retroactively adopt a referenced standard that did not exist at the time of the promulgation of the code. The referenced documents that are being added to the addendum did not exist and had not been adopted by ASHRAE at the time of the Code being promulgated. While these new documents may be valuable in understanding best practice they do not amount to an emergency for either the facility or its patients. These standards should be reviewed and adopted in full view of the membership on their own merits through the code adoption process.

Signature

Robert Sontag
Name (Please Print)

9/19/16
Date

Please return the ballot on or before September 23, 2016.
PLEASE RETURN TO:
Elena Carroll, Project Administrator
NFPA
1 Batterymarch Park
Quincy, MA 02169
FAX: (617) 984-7110
E-mail: ecarroll@nfpa.org
MEMORANDUM

TO: Technical Committee on Mechanical Systems
FROM: Elena Carroll, Project Administrator
DATE: October 4, 2016
SUBJECT: NFPA 99 Proposed TIA No. 1246 PRELIMINARY TC BALLOT RESULTS

According to 5.6(a) in the NFPA Regs, the preliminary results show this TIA HAS achieved the ¾ majority vote needed on both Ballot Item No. 1 (Technical Merit) and Ballot Item No. 2 (Emergency Nature).

13 Eligible to Vote
1 Not Returned (Galloway)

Technical Merit: Emergency Nature:
0 Abstentions 0 Abstentions
12 Agree 11 Agree
0 Disagree 1 Disagree (Seyffer)

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative ¾ 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.

   \[13 \text{ eligible} \div 2 = 6.5 = (7)\]

(2) The number of affirmative votes needed to satisfy the ¾ requirement is 9.
   \((13 \text{ eligible to vote} - 1 \text{ not returned} - 0 \text{ abstentions} = 12 \times 0.75 = 9)\)

Ballot comments are attached for your review.

This proposed TIA has been published for public comment in the September 9, 2016 issue of NFPA News with a Public Comment Closing Date of October 21, 2016. Any public comments received will be circulated to the committee. The Standards Council will consider the issuance of this TIA at their November 30 – December 1, 2016 meeting.

Attachment
Ballot Item No. 1:
I agree with the TECHNICAL MERITS of the Proposed TIA to Revise 2.3.2 of the 2012 edition.

XX

AGREE ___________ DISAGREE* ___________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation shall accompany a “disagree” or “abstain” vote.

____________________________________________________________________

Ballot Item No. 2:
I agree that the subject is of an EMERGENCY NATURE.

XX

AGREE ___________ DISAGREE* ___________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation shall accompany a “disagree” or “abstain” vote.

ASHRAE is constantly evolving and Standard 170 is a work in progress. In my mind blanket adoption of addenda in an ‘emergency form’ bypasses the due process of developing documents by other authorities. This was discussed in our Committee. We talked about referencing the ‘latest’ published item by cognizant authorities and valid reasons were broached for not doing that.

Signature

Charles J. Seyffer
Name (Please Print)

09/21/2016
Date

Please return the ballot on or before September 23, 2016.

PLEASE RETURN TO:
Elena Carroll, Project Administrator
NFPA
1 Batterymarch Park
Quincy, MA 02169

FAX: (617) 984-7110
E-mail: ecarroll@nfpa.org
NFPA 99- 2012 Edition
Health Care Facilities
TIA Log No.: 1246
Reference: 2.3.2
Comment Closing Date: October 21, 2016
Submitter: Chad Beebe, American Society for Healthcare Engineering - AHA

1. Revise 2.3.2 to read as follows:

2.3.2 ASHRAE Publications. American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329-2305.
ASHRAE 170, Ventilation of Health Care Facilities, 2008, with addenda a, b, d, e, f, g, h, j, k, l, m, n, p, q, r, s, t, u, v, w, z, x, y, z, ab, and ac.

Substantiation. This TIA seeks to include all addenda as part of the 2012 edition of NFPA 99. ASHRAE 170 is a continuous maintenance document that issues addenda throughout the life of the document and incorporates the addenda not to exceed every 5 years. Industry standard is that when referencing or using an ASHRAE CM document that the addenda are considered part of the standard. Many engineering firms will be assuming that all of the addenda will be included in the new CMS adoption of NFPA 99 and therefore ASHRAE 170. It is important that it is made clear that only the addenda that the committee had at the time are referenced. I know that I was under the impression that the adoption of ASHRAE 170-2008 would automatically include the addenda when I voted on this matter in November of 2010. It was later pointed out that other references of ASHRAE CM standards such as in NFPA 5000 that the addenda does need to be listed. These three addenda were in place at the time of that final letter ballot so are being included as a part of this TIA https://www.ashrae.org/standards-research--technology/standards-addenda

Emergency Nature. The standard contains an error or an omission that was overlooked during the regular revision process. 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.

A major point of concern and emergency nature of this TIA is that the ASHRAE standard has incorporated a number of changes through addenda that address known concerns such as indicated in the attached document, items have been highlighted that could be harmful to patients if they are not followed. (This attachment is available at NFPA Headquarters by request at stnds_admin@nfpa.org) Also, given the continuous maintenance nature of this standard I think the committee approaches standards development differently that the NFPA process. The ASHRAE committees will often identify a problem area, and assign research to address the issue and evaluate and include through the addenda process. Once that is incorporated as addenda the mechanical engineering community will utilize the addenda as their standard of practice. With CMS recently adopting the 2012 edition of NFPA 101 and the 2012 edition of NFPA 99 there is a spotlight on this edition of 99 and the standards in which it references. This edition of NFPA 99 will be enforced in at least 94% of the hospitals in the US by CMS. The ASHRAE standard is now outdated but there have been several changes that protect the safety of patients. Without this TIA there could be a negative impact on patient safety. Since CMS will be enforcing the standard, it needs to be clear to the engineering and hospital community what applies so they can make informed decisions on the differences and not put patients at harm by designing to outdated standards. When the engineering community is being forced to follow the standard without addenda by an AHJ, or the edition adopted it sets up an interesting liability conundrum, if they try to comply with the old standard so the facility can be licensed or receive federal funding, they may be exposing patients to significant harm by not utilizing the current standard of practice.