



Amy Beasley Cronin
Secretary, Standards Council

16 August 2011

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#11-10
Standards Council Agenda Item:	SC#11-8-4-a
Date of Decision*:	10 August 2011
NFPA 70E [®] , <i>Standard for Electrical Safety in the Workplace</i> [®] , 2012 edition	

Dear Interested Parties:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

A handwritten signature in black ink that reads "Amy Beasley Cronin".

Amy Beasley Cronin
Secretary, NFPA Standards Council

- c: D. Berry, M. Brodoff, L. Fuller, M. Earley, J. O'Connor, K. Shea
Members, Technical Committee on Electrical Safety in the Workplace (EEW-AAA)
Members, National Electrical Code Correlating Committee (NEC-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



Standards Council Decision (Final):	D#11-10
Standards Council Agenda Item:	SC#11-8-4-a
Date of Decision*:	10 August 2011
NFPA 70E [®] , <i>Standard for Electrical Safety in the Workplace</i> [®] , 2012 edition	

SUMMARY OF ACTION (for convenience only; not part of official decision): *The Standards Council voted to deny the appeal to accept Certified Amending Motion 70E-1 to accept Comment 70E-14.*

DECISION:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal from T. David Mills of Savannah River Nuclear Solutions. The appeal requests that the 2012 edition of NFPA 70E[®], *Standard for Electrical Safety in the Workplace*[®], be issued with the acceptance of Certified Amending Motion (CAM) 70E-1. This motion sought the acceptance of Comment 70E-14 which proposed adding a new Section 90.5 *Enforcement*, to NFPA 70E.

As background, the Technical Committee on Electrical Safety in the Workplace (TC) and the Technical Correlating Committee on National Electrical Code[®] (TCC) rejected by an overwhelming majority Proposal 70E-12, which sought to add a new Section 90.5 *Enforcement*. At the Comment stage, Comment 70E-14 was submitted seeking reconsideration of a new Section 90.5 *Enforcement*, in a revised form. The TC and TCC also rejected this Comment by an overwhelming majority. A Certified Amending Motion seeking to accept Comment 70E-14 was made at the 2011 Association Technical Meeting (Tech Session). The motion failed.

The appeal requests that the Council overturn the action that was recommended by the full codes and standards development process. This recommendation represents the consensus judgment of the responsible TC and the Technical Correlating Committee on National Electrical Code[®] (TCC), a judgment that was also supported by a vote of the NFPA membership at the 2011 Tech Session. The appellant has had the opportunity to advocate his position at each stage of the process and failed at every stage to achieve acceptance of his position.

On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the recommendation of Comment 70E-14 is not included in the standard.