

NFPA STANDARDS COUNCIL MEETING

ONE BATTERYMARCH PARK

QUINCY, MASSACHUSETTS

TUESDAY, AUGUST 9, 2011

MORNING SESSION

8:00 a.m.

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1 PROCEEDINGS

2 THE CHAIRMAN: Good morning everyone.

3 Welcome to this meeting of the NFPA Standards

4 Council. I'm pleased to welcome everyone here today.

5 We're going to begin with the first

6 hearing in a moment, and when I do that I'm going to

7 ask everyone in the room to introduce themselves.

8 I do want to remind everyone that for

9 these hearings today we do have our stenographer that

10 is taking a recording of these hearings, so it is

11 very important that you preface your remarks with

12 your name and your affiliation so that we can make

13 sure that we capture that on the record.

14 The first hearing that we're going to

15 kick off with today is the hearing on Agenda Item

16 11-8-24 and, Mr. Koffel, I believe you are the

17 appellant in this case.

18 MR. KOFFEL: That is correct.

19 THE CHAIRMAN: Again, I'll ask the

20 members of Council to introduce themselves first and

21 then we'll make sure we capture everyone in the room.

22 My name is Jim Pauley and I'm chairman of the

23 Standards Council.

1 MS. CRONIN: Amy Cronin, Standards

2 Council secretary.

3 MS. FULLER: Linda Fuller, NFPA staff.

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

6 MR. MILKE: Jim Milke, member of Council.

7 MR. LEBER: Fred Leber, member of
8 Council.

9 MR. DEMERS: David Demers, member of
10 Council.

11 MR. JARDIN: Joseph Jardin, member of
12 Council.

13 MR. HUGGINS: Roland Huggins, member of
14 Council.

15 MR. McDANIEL: Danny McDaniel, member of
16 Council.

17 MR. SNYDER: Michael Snyder, member of
18 Council.

19 MR. OWEN: Richard Owen, member of
20 Council.

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

23 MR. BELL: Kerry Bell, member of Council.

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

3 THE CHAIRMAN: We'll start over here.

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

6 MR. COTE: Ron Cote, NFPA staff.

7 MR. DUBAY: Christian Dubay, NFPA staff.

8 MR. SOLOMON: Robert Solomon, NFPA staff.

9 MS. COLLETTE: Kristin Collette, NFPA
10 staff.

11 MS. GOLINVEAUX: Tracy Golinveaux, NFPA
12 staff.

13 MS. BALLESTER: Susan Ballester, NFPA
14 staff.

15 MS. HOUSEWRIGHT: Meghan Housewright,
16 NFPA staff.

17 MS. KENNEY: Lynne Kenney, NFPA staff.

18 MS. RUBINI: Valerie Rubini, NFPA staff.

19 MR. KLAUS: Matt Klaus, NFPA staff.

20 MR. DUFFY: Chad Duffy, NFPA staff.

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

23 MR. PAULS: Jake Pauls, independent

1 consultant, observing.

2 MR. KOFFEL: William Koffel,
3 Koffel Associates.

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

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

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

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

22 As a Correlating Committee member I
23 participated in consideration on issues that appear

1 to be related to this appeal.

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

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

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

15 THE CHAIRMAN: Thank you, Mr. Clary.
16 This particular item deals with NFPA 101 and the
17 issuance of TIA No. 1024. Mr. Koffel, please proceed
18 with your remarks.

19 MR. KOFFEL: Thank you, and my remarks
20 will be very brief. I know that council has read the
21 appeal. For the record, I would like to state that I
22 am not here representing either the Life Safety
23 Technical Committee on Fire Protection Features or

1 the Life Safety Technical Correlating Committee or
2 the client interests that we have on the Life Safety
3 Technical Committee on Fire Protection Features, the
4 Glazing Industry Code Committee.

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

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

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

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

20 One was that the document or the TIA
21 should not be processed at the same time the document
22 is. I think there's a distinct advantage to
23 processing the TIA at the same time the document is

1 released in that the language will be contained
2 within the body of the document.

3 The second argument was that the factors
4 presented in the TIA did not constitute an emergency
5 nature and I believe that there was an error or
6 omission made during processing of the document.
7 I've provided the details in the appeal.

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

12 THE CHAIRMAN: Thank you. I open it up
13 for questions from the members of the Council.
14 Ms. Brodoff.

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

17 MR. KOFFEL: I am not.

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

20 MR. KOFFEL: It is a glazing issue and
21 that's why I disclosed that. Really the issue is
22 whether a provision that affects existing elevator
23 hoistways -- and we identify what the label

1 requirements for that glazing -- should be included
2 in the table, in accordance with a proposal that was
3 submitted by board and care.

4 THE CHAIRMAN: Additional questions.
5 Mr. Huggins.

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

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

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

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

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

21 MR. HUGGINS: Thank you.

22 THE CHAIRMAN: Additional questions. Jim
23 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

1 error in the code, and in the proposed table as well,
2 that did not contain language previously in the code
3 for elevator hoistways having a 30-minute fire
4 resistance rating and what the glazing should be in
5 that application.

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

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

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

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

22 There was no action that could be taken
23 on the public comment that Fire Protection Features

1 processed because, again, we failed to include the
2 language that Board and Care had proposed.

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

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

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

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

18 MR. JARDIN: Joe Jardin, member of
19 Council. To that issue of the proposal from Board
20 and Care related to this comment that I guess is
21 motivation for your TIA, did that proposal not delete
22 the entire elevator row, I guess is my question, and
23 was that proposal 101-174a?

1 MR. KOFFEL: That is the correct proposal
2 number. I'll have to check it but I thought that
3 proposal added language for the 30-minute elevator
4 shaft. Their concern was that that language was
5 missing. But I will check that.

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

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

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

23 THE CHAIRMAN: Mr. Jardin.

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

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

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

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

17 MR. KOFFEL: You are correct that the
18 comment did not recognize the action of Proposal
19 101-174a.

20 And if you look at the substantiation,
21 the Technical Committee on Board and Care Facilities
22 did not see the need for a separate row for elevator
23 hoistways. They felt it could be combined with

1 shafts and in that way we would address the 30-minute
2 shaft.

3 If you look at the table that's contained
4 in the TIA, you will notice that there are technical
5 differences between the amount of glazing and the
6 requirements for that glazing if it's in an elevator
7 hoistway as compared to a vertical shaft.

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

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

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

17 THE CHAIRMAN: Any additional questions?
18 Seeing none, Mr. Koffel, any final closing comments?

19 MR. KOFFEL: No, sir.

20 THE CHAIRMAN: Thank you very much. I
21 appreciate you being brief with your remarks and
22 being able to bring that. With that we're going to
23 bring this hearing to a close.

1 I want to remind all the participants in
2 this process that the Council will deliberate this
3 issue and a decision from the Council will be issued
4 as a written decision and will only come from the
5 secretary of the Standards Council Miss Cronin.

6 No other member of NFPA staff nor member
7 of the Standards Council will convey any information
8 about that decision. Only that written decision will
9 be the communication that we use.

10 So with that I'd like to bring this
11 hearing to a close and if we have our next series of
12 appellants I'm going to ask them to go ahead and take
13 a seat at the table.

14 And we're going to move directly into the
15 next hearing, hearing number two, which has to do
16 with Agenda Items 11-8-7-b-2 and 11-8-7-b-1.

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

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

23 THE CHAIRMAN: Thanks, Mr. Koffel. I

1 appreciate that. I don't think there's any new
2 people in the room so there's no additional
3 introductions that need to be made.

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

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

15 MR. CLARY: Yes. Thank you, Mr. Chair.
16 Shane Clary, member of Council. I would like to note
17 for the record that I am a non-voting alternate
18 member of the Technical Correlating Committee on the
19 Safety to Life.

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

23 I have therefore reviewed my obligation

1 under the Guide For Conduct of Participants in the
2 NFPA process, particularly Section 3.5(d) of the
3 guide to consider whether there are any reasons for
4 me to recuse myself from consideration of this
5 appeal.

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

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

14 THE CHAIRMAN: Thank you, Mr. Clary.
15 Seeing no other hands from my Council members -- This
16 issue, by the way, for the record, deals again with
17 NFPA 101, has to do with Certified Amending Motion
18 101-3. So Mr. Zaremba, I'm going to turn the floor
19 over to you.

20 MR. ZAREMBA: Thank you, Mr. Chair. I
21 will also make my comments very brief. There are two
22 appeals pending; one that was submitted on behalf of
23 the International Firestop Council by Mr. Crimi, and

1 one by myself on behalf of the Alliance of Primary
2 Fire-Rated Glazing Manufacturers.

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

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

11 As a result, two comments were submitted;
12 one by Mr. Crimi, 101-89, and one by myself which was
13 101-90.

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

17 That also came before the Technical
18 Committee and it was nearly passed but not quite.
19 61.9 percent of the Technical Committee, falling
20 slightly short of the two thirds majority necessary,
21 voted to adopt the comment that Mr. Crimi had
22 submitted. And it voted similarly to adopt 101-90.

23 Given that both of those comments failed

1 by only a single vote on the Technical Committee,
2 NITMAMs were filed both by Mr. Crimi and by myself
3 which sought review basically by the NFPA membership
4 at the annual meeting here in Boston earlier this
5 year.

6 The matter was debated on the floor
7 and -- That is, 101-89. And by a hand vote the
8 moderator was able to determine that the matter
9 passed the membership test, two thirds of the
10 membership voting -- or more -- voting in favor. As
11 a result, I withdrew 101-90.

12 The matter then became a resubmission of
13 the proposal back to the Technical Committee with
14 virtually the same result as before the NFPA
15 membership vote.

16 This time it was a 65.2 percent in favor.
17 Again, just short of the 66 percent necessary for
18 passage.

19 It's also been brought to my attention
20 that Mr. Holmes has submitted a document or a letter
21 to the Council indicating that -- some reasons as to
22 why he voted no as to the matter when it was before
23 Technical Committee but was in favor of this

1 particular proposal becoming a part of NFPA 101.

2 The provision that my appeal rests on is
3 Rule 3.3.6.1 which is the definition of consensus.
4 And a consensus is determined by Standards Council
5 and it requires substantial agreement by much more
6 than a simple majority and by materially affected
7 interest categories has been reached after all
8 reasonable objections were considered and a concerted
9 effort was made toward the resolution.

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

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

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

23 And as you pointed out in your statement,

1 it fell -- Technical Committee ballot -- of achieving
2 what we establish as the level of meeting consensus
3 which is two thirds of the committee.

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

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

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

22 So the issue would pass muster at the
23 vote itself taken by the committee in attendance, but

1 failed the written ballot, perhaps for that reason.

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

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

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

13 MR. ZAREMBA: The NFPA 5000 did indeed
14 have virtually the identical provision that is being
15 proposed in Comment 101-89.

16 The Technical Correlating Committee
17 recommended because this issue had not passed 101,
18 that it be deleted from NFPA 5000.

19 So it was deleted from 5000 without,
20 frankly, full development of the proceedings
21 including those which are currently before you
22 relative to the inclusion of that same provision in
23 NFPA 101.

1 Additionally, it is my recollection that
2 the Technical Correlating Committee recommended
3 removing it from 5000 not on the basis of any
4 technical justification for removing it indicating
5 that it was substantively somehow an inappropriate
6 provision, but solely on the basis that it had come
7 before 101 and had not yet passed.

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

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

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

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

21 No member of NFPA staff or member of the
22 Council is permitted to convey any information
23 regarding the decision of the Standards Council.

1 So with that I will close out this
2 hearing and I'm going to -- I think we have to do a
3 rotation of people coming in. I believe -- Linda, is
4 everybody all there?

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

6 THE CHAIRMAN: All right. So with that,
7 we are going to move directly into hearing number
8 three. This deals with Agenda Item 11-8-7-d and this
9 has to do with NFPA 101 and Certified Amending Motion
10 101-7.

11 I'm going to ask the gentlemen that all
12 came into the room -- We've been on the record this
13 whole time so everybody's has been in the room, has
14 been recorded on the record.

15 But if you just came in I'm going to ask
16 if you'll introduce your name and affiliation so we
17 can capture that for the record, please.

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

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

22 MR. MEYERS: Tom Meyers, Colorado Code
23 Consulting.

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

3 MR. ARCHER: Kevin Archer of Viance.

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

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

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

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

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

21 I'm going to open it up then for
22 questions from the members of the Standards Council
23 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 MR. CLARY: Shane M. Clary, member of the
5 Council. I would like to note for the record that I
6 am a non-voting alternate member of the Technical
7 Correlating Committee on Safety to Life.

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

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

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

21 For the record, therefore, I have
22 considered the matter and believe that I can fully,
23 fairly, and impartially fulfill my role as a Council

1 member on this appeal.

2 THE CHAIRMAN: Thank you. With that,
3 Mr. Holland, I'm going to turn it over to you to
4 start things off, please.

5 MR. HOLLAND: Not being that familiar
6 with your procedure, one of the things I would like
7 to do if possible is to divide the question because
8 there's two issues going on here.

9 I've outlined four arguments in our
10 appeal. Because of time constraints we're really
11 going to touch on two of them.

12 The first one has to do with whether or
13 not the Contents and Furnishings Committee actually
14 has the responsibility for this particular section in
15 the building code.

16 We feel it does not and we have handed
17 out evidence this morning to back up that position.
18 So what we would -- I don't know if you take votes
19 here or not, but the first item that we'd like you to
20 consider is whether or not this particular committee
21 has the responsibility for taking a position on this
22 issue or if it really belongs with a different
23 committee.

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

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

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

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

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

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

22 And the answer to that is no. We'll hear
23 you out in total and then render our decision after

1 we go into executive session.

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

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

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

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

21 Then the next page shows you what the
22 section is that they have amended. And they added,
23 In new construction, surfaces of walls, partitions,

1 columns, and ceilings shall be permitted to be
2 finished with factory-applied fire-retardant coated
3 assemblies.

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

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

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

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

23 In order to assist the Council in

1 reaching a decision, we wanted to let you know that
2 there were two other committees that would have
3 responsibility or should have had the responsibility
4 for this particular section in 101.

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

13 The second committee is the Committee on
14 Structures, Construction and Materials. This
15 committee shall have primary responsibility for
16 documents on the protection of human life and
17 property from fire and environmental loads due to
18 selection and design of structural elements and
19 assemblies, construction technologies and
20 methodologies, and on the application of building
21 materials which is -- this is the key phrase -- used
22 in the construction of buildings, structures, and
23 related facilities.

1 So based on that information we feel that
2 either the Committee on Construction Materials --
3 Structures, Construction Materials, or the Building
4 Code Committee should have been the committee that
5 this code change went to or this proposal went to.

6 So that concludes our arguments on
7 whether or not that committee actually had it. So
8 the next thing we want to talk to you about really
9 has to do with the durability of the material itself,
10 and I'll have some samples here that I want to pass
11 around.

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

17 In this particular case I just used a wet
18 rag and rubbed the coating as you would if you were
19 going to clean the wall of an interior finish. And
20 you can see that it's not very durable.

21 So that's one of the problems with this
22 section is there's no information in here that would
23 assist the owner in trying to determine what the

1 effects of abrasion, possible degradation of the
2 materials through exposure to water and other
3 solvents from cleaning, degradation of the coatings
4 from exposure to light, aging, or the application of
5 other non-fire-retardant coating.

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

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

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

23 I just took a wet rag, no solvents or

1 anything on it, just plain water, and rubbed it off.

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

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

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

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

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

18 In the first picture here where the print
19 is on the bottom, left-hand corner -- I mean right --
20 bottom right-hand corner, in the upper left-hand
21 corner, that piece of wood looked pink at one time,
22 but being exposed to the conditions during
23 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.

1 And since this product's never been tested in a
2 full-scale test it is certainly inappropriate for a
3 30-minute rating. So thank you very much.

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

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

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

14 MR. HUGGINS: Well, it would be listed.
15 The question I have is under the second section you
16 identified, wouldn't you just reasonably argue the
17 degree of permanence which you were talking about,
18 you know, is not necessarily an aspect of the listing
19 but isn't it just reasonable that it doesn't satisfy
20 that section?

21 So I'm curious on why you are using that
22 as an example. Is it based solely upon the listing
23 or what you see per se in the industry?

1 MR. HOLLAND: If I understand your
2 question, you're saying that the listing would not
3 address the permanency.

4 MR. HUGGINS: Correct. I'm assuming it
5 doesn't. I guess my question is since it doesn't
6 seem like that complies with the one section
7 10.2.6.3, then, you know, is it a valid example to be
8 used for what's going occur in the industry?

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

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

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

21 A part of the testing for this material
22 should be how durable is the material. Is it going
23 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

4 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

1 that you feel is inferior to this degree and such, if
2 it were returned to the original language, it
3 wouldn't allow those products that are now being able
4 to be introduced? Is that really what's at the root
5 of what we're looking at or --

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

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

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

19 MR. HARRINGTON: Just as a follow-up, the
20 current language that you're suggesting that we were
21 to return to, I guess that language wouldn't permit
22 even these factory products that you're referring to
23 or that language would permit these products, too?

1 The current language that's in the code.

2 MR. BUESCHE: If I may, I believe the new
3 language says new construction, and so that's what we
4 have issue with is where it says new construction.

5 MR. HARRINGTON: Okay.

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

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

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

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

23 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

1 to allow basically what the proponent wanted but
2 added some additional information to it.

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

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

9 MR. CLARY: I understand that. Okay.
10 I'm just trying to see at what point did this
11 requirement for new construction show up.

12 MR. HOLLAND: During the comment phase.

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

15 THE CHAIRMAN: Thank you. Mr. Bell.

16 MR. BELL: Kerry Bell, member of Council.

17 Just a question on the application of these
18 requirements.

19 Do these in your mind apply to the
20 interior finish or is it something more than that?
21 I'm not getting that clear in my head.

22 MR. HOLLAND: I'm sorry. I didn't hear
23 you.

1 MR. BELL: These requirements that have
2 been accepted by the committee, do they apply to the
3 interior finish only or is it to more than the
4 interior finish?

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

11 MR. BELL: Okay. Just another question.
12 Kerry Bell, member of Council. How do these
13 requirements relate to NFPA 703 which I believe is
14 currently referenced in this --

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

20 MR. BELL: Thank you.

21 THE CHAIRMAN: Mr. Jardin.

22 MR. JARDIN: Joe Jardin, member of
23 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 Recognizing that this is a Life Safety
11 Code appeal, did you intend to, you know, target the
12 Life Safety Code Technical Committee process or did
13 you intend to mention building code? I just wanted
14 to find out if that was purposely mentioned.

15 MR. HOLLAND: I should have said -- Joe
16 Holland, Hoover Treated Wood Products. I'm an old
17 building code person, former building official, so
18 that's really my background.

19 The Furnishings and Contents Committee
20 has responsibilities for both Life Safety Code and
21 the building code.

22 One of the committees that I was speaking
23 to, the Building Construction Committee, is actually

1 an independent committee that does have
2 responsibilities with the building code as well, but
3 they also do 703's, 221, and 220, which are not a
4 part of the building code project or even the Life
5 Safety Code project. So I should have said Life
6 Safety Code.

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

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

20 MR. KOFFEL: Thank you. Bill Koffel for
21 the record. Jim Lathrop represented the committee
22 during the association meeting discussion and he's a
23 member of the committee.

1 And he pointed out that the concept of
2 interior finishes being considered part of the
3 contents within the building has been practiced in
4 the Life Safety Code for as many editions as I can
5 remember. This committee has had jurisdiction over
6 interior finish.

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

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

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

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

20 THE CHAIRMAN: Thank you. I guess a
21 follow-on. Jim Pauley, chair of the Council.
22 Mr. Holland, I guess I'll ask -- as I look at the
23 record, you know -- and aside from what you raised in

1 point one with respect to the scoping issue that you
2 brought before the Council as to whether or not it's
3 the committee, but just trying to make sure from the
4 process perspective that the committee had the
5 proposals that they operated on.

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

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

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

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

23 MR. HOLLAND: Joe Holland. This is not a

1 committee that we follow. This deals with contents
2 and furnishings.

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

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

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

20 You put something in a building. You
21 want it to be able -- You want to know that ten years
22 later it's still going to do what it was put in there
23 originally to do, and I think I've demonstrated to

1 you that that's not the case.

2 THE CHAIRMAN: Thank you. Mr. Milke.

3 MR. MILKE: Jim Milke, member of Council.

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

8 MR. HOLLAND: No, sir. Joe Holland.
9 They're talking about interior finish here. Interior
10 finish is an E-84 test. E-84 test is a 10-minute
11 test.

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

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

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

1 THE CHAIRMAN: Miss Brodoff.

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

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

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

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

23 So it's not -- You know, to me it's not a

1 major concern. I could go through it but right off
2 the top of my head I don't know of a particular
3 committee within the Life Safety -- I don't know all
4 of the committees.

5 MS. BRODOFF: Thank you.

6 THE CHAIRMAN: Mr. Huggins.

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

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

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

15 MR. HOLLAND: In new construction.

16 MR. HUGGINS: Thank you, sir.

17 THE CHAIRMAN: Any additional questions?

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

22 MR. HOLLAND: We're good to go.

23 THE CHAIRMAN: Thank you. And gentlemen,

1 we appreciate your time here today to come before the
2 Council. We appreciate your participation in the
3 NFPA codes and standards process.

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

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

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

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

20 Then we'll take a break before we do the
21 final three hearings of the morning. So timing wise
22 that should work out to, you know, for us to be able
23 to fit a break in.

1 The next item that we're going to go to
2 is Agenda Item 11-8-16-a. This is actually on NFPA
3 5000 and has to do with Certified Amending Motion
4 5000-2.

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

9 MR. MEYERS: Tom Meyers, Colorado Code
10 Consulting.

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

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

17 THE CHAIRMAN: Thank you.

18 MR. VERSTEEG: Joe Versteeg, Technical
19 Committee chair.

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

23 MR. VERSTEEG: I'm here to represent the

1 Technical Committee's position.

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

4 MR. VERSTEEG: Absolutely.

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

7 MR. VERSTEEG: I do not.

8 THE CHAIRMAN: Thank you.
9 Mr. Harrington, please.

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

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

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

22 I've concluded that I do not have any
23 views that are or would appear to be fixed concerning

1 the issues and I'm fully able to give open and fair
2 consideration to the appeal.

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

7 THE CHAIRMAN: Thank you. Mr. Demers.

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

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

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

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

21 I have concluded that I do not have my
22 views that are or would appear to be fixed concerning
23 the issues and I am fully able to give open and fair

1 consideration to this appeal.

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

6 THE CHAIRMAN: Thank you, Mr. Demers.
7 Mr. Owen.

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

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

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

21 I have concluded I do not have any views
22 that are or would appear to be fixed concerning the
23 issues and I am fully able to give open and fair

1 consideration to this appeal.

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

6 THE CHAIRMAN: Thank you. Anybody else?

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

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

15 But then I'll give you any wrap-up
16 comments and we'll close out the hearing from there.

17 So I remind everyone in the room again, when you
18 speak please remember to preface if with your name
19 and your affiliation so we can get it captured
20 appropriately on the record. So with that,
21 Mr. Holland, I'm going to turn it over to you again.

22 MR. HOLLAND: Joe Holland, Hoover Treated
23 Wood Products. Using materials in the plenum,

1 particularly fire retardant-treated wood, has been
2 allowed in the building codes for many years.

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

6 I looked through the 18 pages of
7 information that was furnished to the Council on this
8 particular issue and I tried to distill them down
9 into the handout that I passed out to you which is
10 11-8-16(a).

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

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

20 This has been in the building code since
21 its inception. During this cycle we were asked --
22 the Technical Committees were asked to review this,
23 allowing fire retardant-treated wood in these

1 plenums.

2 Two Technical Committees did review it.

3 The Building Construction Committee and the Committee
4 on Structures, Construction and Materials.

5 Both reviewed this and voted to allow the
6 use of fire retardant-treated wood in plenums to
7 remain in 5000.

8 It goes to the TCC and I was not at
9 that meeting so I was not participating in that
10 discussion.

11 All I can go by is what I see that was in
12 the Report of Comments which is on the next page of
13 your handout where it says -- there's two sentences
14 there that I highlighted -- The TCC notes that FRTW
15 is not permitted by 90A in spaces affected by the
16 airflow.

17 Then the next sentence says it will
18 delete a conflict between 90A, 101, and 5000. So I
19 want to speak to the first sentence in the issues
20 that's raised there where it says, Fire
21 retardant-treated wood is not permitted in spaces
22 affected by the airflow.

23 So if you go to the next page of the

1 handout, I extracted a couple pages or one page, I
2 guess, out of 90A where we're talking about using
3 combustible materials.

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

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

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

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

21 Materials used in construction of ceiling
22 plenums, which is what we're talking about. Says,
23 Ceiling materials shall have a flame spread index of

1 not more than 25 and a smoke developed index not
2 greater than 50.

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

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

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

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

20 You look at the scope of 90A. You go to
21 1.3, Application. And it says, This standard shall
22 apply to all systems for the movement of
23 environmental air in structures that serve the

1 following. I highlighted number 3. Buildings and
2 spaces not covered by other applicable NFPA
3 standards.

4 5000 is an NFPA standard. It does cover
5 plenums. Ceiling cavity plenums it covers. It
6 doesn't cover the floor plenums or anything else.
7 Only the ceiling cavity plenums.

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

11 Then we talk about 101. 101 does
12 reference 90A. 101 is not a building code. So 101
13 needs to be used in conjunction with a building code.

14 The building code does have provisions in
15 it, so therefore we really don't have a conflict. So
16 the premise that the TCC used to base their decision
17 on, both cases, they were given bad information.

18 And as a result of that, they made a
19 decision based on information that was incorrect.
20 So what we're asking is that you approve what the
21 TC's, two of them, the Building Construction
22 Committee, and the Structures, Construction and
23 Material Committee, approved.

1 And that's what we were asking for during
2 the appeal and that's what we're asking for here is
3 that you look at what the Technical Committees did.
4 You had two of them. Both of them said fire
5 retardant-treated wood is okay in a ceiling cavity
6 plenum. Thank you.

7 THE CHAIRMAN: Thank you. Yes, please.

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

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

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

21 And it's not inconceivable that fire
22 retardant-treated wood wouldn't show up in the plenum
23 space, and what particularly concerns me and one of

1 the reasons why I'm here to speak to you today is
2 that when we have a material that's been permitted by
3 the code previously without any real track record of
4 problems with performance and we go through here and
5 we make a change in the code, now we're going to see
6 construction that will have fire retardant-treated
7 wood there where, in order to comply if you go ahead
8 and you proceed with this, we're going to see the
9 materials being covered now with other materials that
10 would probably have less of a fire performance
11 potential.

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

22 So I'm not sure how that really performs
23 the overall -- how that helps with the life safety of

1 the building overall, but I do know for a fact that
2 ultimately it adds costs in construction.

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

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

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

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

18 With that I'm going to open up to
19 questions from members of the Standards Council.
20 Mr. Demers.

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

1 MR. MEYERS: Tom Meyers.

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

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

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

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

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

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

16 MR. DEMERS: Thank you.

17 THE CHAIRMAN: Other questions.
18 Mr. Jardin.

19 MR. JARDIN: Joe Jardin, member of
20 Council. Mr. Holland, when you discussed some items,
21 I guess, that would be in the future omitted from
22 that plenum space, you talked about backing and
23 blocking.

1 Maybe you can expand on what that is and
2 possibly what other materials you fear currently are
3 in the plenum spaces that going forward would be
4 prohibited by this change.

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

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

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

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

20 The blocking, the backing, you know -- I
21 guess that would be my statement on that is just you
22 fasten other stuff to it or you use it to segregate
23 areas.

1 THE CHAIRMAN: Mr. Jardin.

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

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

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

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

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

22 So fire retardant-treated plywood
23 decking, fire retardant-treated lumber trusses for

1 roof framing members.

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

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

9 MR. JARDIN: Okay.

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

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

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

20 MR. VERSTEEG: Yuh, there was a lot of
21 discussion about it. In fact, just to quickly -- to
22 give you a summary, I don't think what the Technical
23 Correlating Committee did by removing the permission

1 for fire retardant-treated wood eliminated any
2 conflicts, simply because what we forget is that NFPA
3 5000 as a building code adopts a number of adopted
4 reference standards for it to do its job.

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

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

18 And for Type I and Type II Construction,
19 fire resistant and non-combustible, FRTW is allowed.
20 If I go into a wood frame building it can be out of
21 combustible materials.

22 The second requirement deals with the
23 issue of the Standards Council's decision in 2005 was

1 the jurisdictional issue of what can be inside the
2 plenum. Wires and ducts and things like that.

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

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

11 So there still is a conflict within 5000.
12 As a code official using 5000, when I get to plenums
13 I look at the Uniform Mechanical Code and it says you
14 can build it out of anything that's compatible with
15 the type of construction.

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

21 THE CHAIRMAN: Jim Pauley, chair of the
22 Council. Just -- And I appreciate your comments and
23 want to sort of go back to where I started with that

1 piece.

2 But it sounds like that the committee did
3 have discussion relative to this whole issue and
4 chose to put the text in that they did to -- that
5 would allow the product that's in question. So the
6 debate did occur at the Technical Committee.

7 MR. VERSTEEG: Joe Versteeg, TC chair.
8 That discussion did take place, that is correct.

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

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

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

23 I agree with Mr. Versteeg. The Technical

1 Committee did in fact discuss this. I think it's
2 very apparent in their action on Proposal 5000-80A
3 where they proposed to reference NFPA 90A and then
4 still added the sentence that allowed fire
5 retardant-treated wood.

6 They knew that there was a difference
7 between what they were doing and what was permitted
8 by NFPA 90A.

9 The conflict does not necessarily exist
10 within NFPA 5000 because 5000 states that the code
11 takes precedence over a referenced standard, but
12 rather the conflict would exist between 5000 and 101.

13 101, when it comes to plenums, would take
14 you directly to NFPA 90A, and NFPA 90A does not allow
15 fire retardant-treated wood to be exposed to the
16 airflow in a plenum.

17 And I believe I heard testimony earlier
18 saying they're not sure that's the case, but I
19 distinctly recall a proposal that was processed by
20 the committee, I believe submitted by Mr. Holland,
21 requesting 90A to permit FRTW to be exposed to the
22 airflow.

23 And that proposal was rejected by the

1 committee. So I think the 90A committee's on record
2 to say we don't think fire retardant-treated wood
3 should be exposed to the airflow. So the TCC action
4 was primarily to address a potential conflict between
5 5000 and 101.

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

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

21 As a result of that I feel that it got
22 lost in that 2100 changes that were being proposed
23 having to do with the plenum issue and so I never

1 went back to them for that, because I also saw that,
2 as opposed to what you just heard, fire
3 retardant-treated wood can be exposed to the airflow.

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

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

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

18 I don't know if you're interested or not,
19 but as Mr. Versteeg said, the international codes and
20 the Uniform Mechanical Code both allow it, so it just
21 doesn't make sense for 5000, which is a building
22 code, not to continue to allow it to be used in the
23 plenums of the buildings.

1 THE CHAIRMAN: Thank you. Additional
2 questions? Seeing none, gentlemen, any closing
3 remarks with respect to this particular hearing?

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

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

12 MR. HOLLAND: No, sir. That's fine.

13 THE CHAIRMAN: Mr. Meyers, anything?
14 Thank you, gentlemen. We again appreciate your time
15 in coming here today. We appreciate your time in the
16 NFPA codes and standards-making process.

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

22 No member of the Council or NFPA staff is
23 permitted to convey any information about that

1 Council decision outside of that written decision.

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

4 (Discussion off the record.)

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

7 THE CHAIRMAN: All right, if we could
8 come back to order please, and we're back on the
9 record. We're going to move into Agenda Item
10 11-8-16-b.

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

15 MS. CRONIN: Amy Cronin, Standards
16 Council secretary.

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

19 MR. MILKE: Jim Milke, member of Council.

20 MR. LEBER: Fred Leber, member of
21 Council.

22 MR. DEMERS: David Demers, member of
23 Council.

1 MR. JARDIN: Joseph Jardin, member of
2 Council.

3 MR. HUGGINS: Roland Huggins, member of
4 Council.

5 MR. McDANIEL: Danny McDaniel, member of
6 Council.

7 MR. SNYDER: Michael Snyder, member of
8 Council.

9 MR. OWEN: Richard Owen, member of
10 Council.

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

13 MR. BELL: Kerry Bell, member of Council.

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

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

18 MR. COTE: Ron Cote, NFPA staff.

19 MS. KENNEY: Lynne Kenney, NFPA staff.

20 MR. SOLOMON: Robert Solomon, NFPA.

21 MR. SPOKIS: Joe Spokis, NFPA intern.

22 MS. COLLETTE: Kristin Collette, NFPA
23 staff.

1 MS. GOLINVEAUX: Tracy Golinveaux, NFPA
2 staff.

3 MS. HANSON: Paige Hanson, NFPA intern.

4 MS. RUBINI: Valerie Rubini, NFPA staff.

5 MS. HOUSEWRIGHT: Meghan Housewright,
6 NFPA staff.

7 MR. ORLOWSKI: Steve Orłowski, guest.

8 MR. HARRINGTON: Gregory Harrington, NFPA
9 staff.

10 MR. KLAUS: Matt Klaus, NFPA staff.

11 MR. DUFFY: Chad Duffy, NFPA staff.

12 MR. EARLEY: Mark Earley, NFPA staff.

13 MS. BALLESTER: Susan Ballester, NFPA
14 staff.

15 MR. FRASER: Allan Fraser, NFPA staff.

16 JAKE PAULS: Jake Pauls, independent
17 consultant, visitor.

18 MR. KOFFEL: William Koffel, Koffel
19 Associates.

20 MS. FULLER: Linda Fuller, NFPA staff.

21 THE CHAIRMAN: Thank you. This
22 particular agenda item deals with NFPA 5000,
23 Certified Amending Motion 5000-4.

1 Mr. Pauls, I understand that you're the
2 appellant in this case, so if you'd like to have a
3 seat at the end of the table.

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

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

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

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

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

23 I have concluded that I do not have any

1 views that are or would appear to be fixed concerning
2 the issues, that I'm fully able to give open and fair
3 consideration to this appeal.

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

8 THE CHAIRMAN: Thank you. Mr. Clary.

9 MR. CLARY: Shane Clary, member of the
10 Council. For the record, I'm recusing myself on this
11 agenda item and I will not participate as a member of
12 the Standards Council in the hearing, deliberations,
13 or voting on this matter.

14 THE CHAIRMAN: Thank you. Very well. We
15 will begin. The process we'll use for the hearing,
16 Mr. Pauls, I'll give you ten minutes to make your
17 opening remarks and state your appeal to the Council.

18 We'll then open it up to questions from
19 the members of the Standards Council. When those are
20 complete -- since we don't really have or -- I'm
21 sorry.

22 Mr. Orlowski, after Mr. Pauls' done I'll
23 give you ten minutes on the respondent's side to make

1 your statements for the council and then I'll open it
2 up to questions from members of the Council.

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

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

16 The grounds of the appeal -- and I'll be
17 referring directly to the submission. Item 3 of that
18 submission, the grounds of the appeal are essentially
19 a matter of jurisdictional deference -- not so much
20 jurisdiction but deference -- because there are two
21 committees that had a role in the issue of Type C
22 dwelling units, essentially the scoping of ANSI
23 A117.1, 2009 edition.

1 And Type C dwellings are also known as
2 visitable dwellings. So the jurisdiction of the
3 Building Systems Technical Committee and the
4 Residential Committee are at issue here.

5 So first item, item B, the delay in the
6 ICC, International Code Council's, release. They're
7 the secretariat for the ANSI Standard A117.1.

8 The second item is essentially a delay in
9 the release of the printed version of the standard
10 dated 2009.

11 It wasn't released until February of
12 2011, although all of the technical issues or all of
13 the technical information regarding Type C housing
14 was known and was in place essentially a year or two
15 ago, and everybody had that information on both sides
16 of this issue. But that was a major problem with the
17 processing of the proposal.

18 Third item, C, that I've referred to is
19 insufficient technical arguments were presented by
20 the Residential Technical Committee which overruled
21 essentially unanimous votes of the Buildings Systems
22 Committee. So we have strong disagreements between
23 two committees.

1 And from my perspective it was the
2 Building Systems Committee that had -- that certainly
3 gave the issue more consideration, had greater
4 experience therein, and submitted unanimous ballots
5 in support of the Type C scoping of the ANSI
6 standard.

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

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

23 We have allegations on my part that one

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

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

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

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

21 Only two people spoke in opposition. The
22 National Association of Home Builders had a
23 representative, David Orlowski, and there was

1 somebody -- Dan Finnegan who spoke in opposition.

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

6 So I don't consider the overturning of a
7 floor action to be very significant in this case.
8 There wasn't much floor action in my view.

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

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

19 One entrance to a home would have to be
20 step-free. And the public health benefits alone,
21 just from the injury prevention of that, are on the
22 same order of magnitude as home fire-related
23 injuries.

1 I repeat again, that one issue alone, the
2 injury prevention just from the step-free entry, is
3 on the same scale of magnitude in injury prevention
4 as preventing fire-related injuries in homes.

5 Currently the injuries due to stairs in
6 homes are running about 60 times those due to fire in
7 homes and at an hourly cost of 10 million dollars.

8 So from a public health perspective, just
9 that one benefit alone, which is the most
10 controversial one, a step-free entry, would have a
11 huge benefit socially in terms of injury prevention
12 and usability of homes, particularly for older people
13 and I happen to be one of those people, as is my
14 family and many of my colleagues now are in that
15 situation.

16 So it's a very large social issue. It
17 got short shrift in my view by the Residential
18 Committee who deferred to the National Association of
19 Home Builders member to basically frame the issues.

20 And one of the things that I was
21 particularly concerned about procedurally was that
22 the Residential Committee at both of the ROP and ROC
23 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.

1 So it comes down to essentially this
2 matter of two committees. I would certainly favor
3 the approach taken by the Building Systems Committee.

4 It has had the longest experience on
5 acceptability scoping. That's the committee we rely
6 upon. And my preference would be that if you can't
7 today decide to overturn the floor action and to go
8 to the approval of my proposal, that at least you
9 clarify the jurisdictional deference issue for next
10 time around.

11 Now, I'm not sure I'm going to be around
12 next time. This is really my last hurrah on these
13 larger issues. As you know, I do come to this
14 council with larger issues. This I think is the last
15 one I will do.

16 I would clearly like to see it handled
17 today, but if you don't want to handle it today and I
18 have to stick around for another three years, I do
19 hope you clear up just who has the say in this
20 process for this kind of issue of accessibility
21 scoping, particularly for dwelling units.

22

23 THE CHAIRMAN: You've got about one

1 minute left, Mr. Pauls.

2 MR. PAULS: Thank you, Mr. Chairman.

3 Finally, you're going to hear perhaps some detail
4 from the opponents which are not relevant.

5 This is A purely symbolic issue because
6 the opponents, the National Association of Home
7 Builders, have guaranteed that 5000 will not be
8 implemented.

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

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

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

20 But the fact that they're fighting it
21 indicates that symbols are important, and they're
22 important to my public health colleagues. I thank
23 you very much for your attention.

1 THE CHAIRMAN: Thank you. Mr. Orlowski,
2 please.

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

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

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

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

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

22 We went through the ROC stage. We also
23 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

1 also pointed out in our substantiation talks about
2 that the exceptions that are listed under this
3 proposal do not apply to Type C dwellings.

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

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

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

23 The accessible path requires that you

1 have access into the building. If you can't get
2 there with a ramp, you have to either put in a lift
3 or an elevator, and it would require that there is
4 access to the main living space.

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

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

15 THE CHAIRMAN: Thank you. I'll now open
16 it up to questions from members of Council.
17 Mr. Harrington.

18 MR. HARRINGTON: J.C. Harrington, member
19 of Council. A question for Mr. Pauls. I know in
20 your appeal testimony here you characterized it from
21 your view I guess the National Association of Home
22 Builders seems to dominate the Residential Committee
23 process.

1 And so I'm just trying to get a sense
2 from the ROP, ROC process and meetings that are held,
3 how does that actually happen or what actually takes
4 place that forces you to characterize it as that?

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

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

12 THE CHAIRMAN: Mr. Milke.

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

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

23 They knew what all these other sections

1 were and how they might have changed, and really I
2 don't think there was any major change there. So
3 it's really a phoney argument from their perspective.

4 And had the -- I provided all the text
5 that I could in both the ROP and it was also provided
6 again later on at the ROC stage, and I think it was
7 even included -- again in paraphrase form -- in the
8 negative ballot.

9 There was clearly enough information
10 available to deal with it. And we should ask here
11 that -- why did the Building Systems Committee, which
12 had a very close knowledge of the standard, because
13 they're responsible for scoping it within 5000, why
14 didn't they raise the same issue?

15 So if the committee that's most
16 responsible and most knowledgeable on it doesn't have
17 a problem with the fact that the standard wasn't
18 available -- Formerly they said in their accept in
19 principle that it was subject to the standard
20 becoming available later, which they had to do, but
21 they had no issue with the content.

22 I mean, they felt quite comfortable with
23 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. Orłowski 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. ORŁOWSKI: 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

1 references back and forth within the document were
2 indeed correct, sections that were being cited were
3 actually present.

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

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

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

17 THE CHAIRMAN: Mr. Jardin.

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

22 And maybe you can explain to me how
23 that's the case. I'm looking at Proposal 5000-164

1 that seems to -- within the proposal that was
2 rejected -- Apply to all new buildings or portions
3 thereof used as one- or two-family dwellings shall
4 comply, and it then references that ANSI A 117-1.
5 How does that get to existing buildings?

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

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

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

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

23 THE CHAIRMAN: Mr. Jardin.

1 MR. JARDIN: Just a follow-up.

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

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

7 MR. JARDIN: Okay. And reviewing the
8 comment that again was rejected, I see that
9 apparently you have a negative to that rejection?
10 You and Mr. Pauls were the only two that opposed the
11 rejection?

12 MR. ORLOWSKI: Yes.

13 MR. JARDIN: Can you -- It's quite a
14 lengthy negative narrative that you listed there.
15 What was the reason you opposed the rejection at that
16 point but seem to be supporting it now?

17 MR. ORLOWSKI: We supported the committee
18 action, however weak. NHB does not vote on the NFPA
19 5000 ballots. We usually recuse ourselves.

20 In this matter, because the
21 substantiation from the Technical Committee did not
22 capture all of the arguments that were made during
23 that meeting by every member of the TC, we felt that

1 it was important for us to capture all those reasons
2 and put them into our negative ballot.

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

10 MR. KOFFEL: Bill Koffel, Koffel
11 Associates, representing the Building Code Technical
12 Correlating Committee.

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

20 While I have -- If I could extend your
21 question just a minute and maybe save some time
22 later, I would just like to comment on some of the
23 other items that we've heard if that's possible.

1 THE CHAIRMAN: Yes. And I'll be more
2 than happy to let you do that. I just want to try to
3 get to the heart of this issue that -- I thought what
4 I've heard you say so far is that the TCC has still
5 sort of left this jurisdiction split on this and
6 you'll draw stuff from both committees and call those
7 balls and strikes as they come up or is there a
8 jurisdictional decision that's been made?

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

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

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

23 MR. KOFFEL: Okay. And again, the TCC,

1 we met the first week of January. At that time we
2 did not believe the final version of the ICC document
3 was available and that's representative in our
4 comment.

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

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

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

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

1 Mr. Pauls, the floor is yours.

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

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

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

13 We serve as an accredited standard
14 committee of ANSI. In other words, the committee
15 owns the standard. The ICC is the secretariat.
16 That's an important distinction.

17 And we would love to find a new
18 secretariat, at least some of us would. Because we
19 as committee members were getting a little fed up
20 with the way that the standard was being processed,
21 particularly this kind of delay to publish a standard
22 that was essentially put to bed in 2009 and dated
23 2009, to release it in 2011.

1 There were other problems, too, but -- I
2 was caught in something that I really resented and a
3 number of us expressed our resentment to ICC quite
4 early in this process.

5 I would hate to see that be used against
6 this thing now, because otherwise we have to wait for
7 2015, as far as NFPA is concerned, to scope a 2009
8 standard. To me it just doesn't make any sense.

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

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

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

23 It's a national requirement under their

1 national building code. It's not a big issue. It's
2 doable. I would like to see it become more than
3 symbol.

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

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

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

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

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

23 And we're going to have to make those

1 homes work in the absence of the health care
2 facilities, recovering facilities, the retirement
3 facilities, that we no longer have the funds to
4 support.

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

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

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

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

21 Thank you.

22 THE CHAIRMAN: Thank you. Mr. Orłowski?

23 MR. ORŁOWSKI: Just in closing, I want to

1 touch on a subject that I did not mention before
2 which is also part of the appeal.

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

8 That's what their scope is all about, is
9 to extract the information from A 117, make sure NFPA
10 5000 is compliant with the A 117 standard.

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

15 I don't see any problems with the Chapter
16 12 referencing Type C dwelling construction, one- and
17 two-family dwellings, and what those requirements
18 are.

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

23 THE CHAIRMAN: Thank you. With that I'm

1 going to bring this particular hearing to a close.

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

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

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

12 So with that, thank you, gentlemen.
13 We'll bring that hearing to a close. We're going to
14 move directly into Agenda Item 11-8-5-a.

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

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

22 MR. OWEN: Richard Owen, member of the
23 Council. I'd like to note for the record that I'm a

1 member of the Technical Committee on the Standard For
2 the Installation of Air Conditioning and Ventilation
3 Systems.

4 As a Technical Committee member I
5 participate in consideration and voting on issues
6 that appear to be related to this appeal.

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

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

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

20 THE CHAIRMAN: Thank you. Mr. Demers.

21 MR. DEMERS: Mr. Chairman, my name is
22 David Demers, member of the Standards Council. I'd
23 like to note for the record that I'm the chairman of

1 the Technical Committee on Air Conditioning.

2 As the chair of the Technical Committee I
3 moderated the consideration and voting by the members
4 of the TC on issues that appear to be related to this
5 appeal.

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

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

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

19 THE CHAIRMAN: Thank you.

20 Mr. Harrington.

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

1 Conditioning and Ventilation.

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

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

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

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

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

22 MR. KOFFEL: Thank you, Mr. Chair. My
23 name is Bill Koffel with Koffel Associates. I too am

1 a member of the Technical Committee on Air
2 Conditioning but I'm not representing that committee
3 before you today, and we have no client interest in
4 this matter, although, again, in the interest of full
5 disclosure, we have over the years provided
6 consulting services to the American Society For
7 Health Care Engineering.

8 This issue all started with the ROP
9 meeting and the development of the committee Proposal
10 90A-66.

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

17 The committee proposal actually proposed
18 to do two things. The primary reason of the
19 proposal, as I understood it, was the new language in
20 4.3.12.1.2 to allow some incidental air movement
21 between the corridor and a patient room or an
22 adjacent room where it's required for clinical
23 purposes.

1 Unfortunately, at least in my opinion, at
2 the same time they deleted the reference to health
3 care in the existing paragraph and replaced it with
4 nursing home and long-term care facilities.

5 That existing paragraph prohibits the use
6 of the corridor for the normal supply return and
7 exhaust air serving adjoining areas. So I cast a
8 negative ballot.

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

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

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

20 During the testimony on that item I
21 indicated that I didn't think accepting the comment
22 really addressed the issue because it would not allow
23 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

1 transfer for clinical purposes in nursing homes.

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

8 Certainly if the Council has a concern
9 with introducing that new requirement this late in
10 the process, I would then encourage you to support
11 the appeal without the phrase nursing facilities in
12 4.3.12.1.2.

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

17 THE CHAIRMAN: Thank you, Mr. Koffel.
18 Questions from members of the Council. Mr. Bell.

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

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

1 terms of the circulation of my appeal to the
2 Technical Committee.

3 MR. BELL: Okay.

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

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

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

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

19 THE CHAIRMAN: That failed on the floor.

20 MR. KOFFEL: Yes.

21 THE CHAIRMAN: I'm with you, too. That's
22 actually on page 16 at line 17 where it did fail. So
23 if this went back to previous edition text in some

1 manner, what would happen in that case?

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

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

12 So I was merely trying to sort those
13 pieces out perhaps a little farther to understand.
14 I'll ask the question perhaps a different way to try
15 to get there as well.

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

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

22 In my opinion the down side of that is
23 that the existing requirement, or prohibition I

1 should say, for using the corridor for supply return
2 and exhaust air for health care facilities other than
3 nursing and long-term care facilities would go away,
4 and you would now be able to do that.

5 And that's a technical change that the
6 committee did not address in the proposal, nor do I
7 think they really intended to occur during the ROP
8 process.

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

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

20 The insertion of nursing facilities is
21 clearing new language. It has not been before the
22 committee -- Nursing facilities in paragraph
23 4.3.12.1.2 has not been addressed by the Technical

1 Committee. And I really offered that as a potential
2 additional cleanup at Mr. Erickson's suggestion.

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

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

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

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

21 THE CHAIRMAN: Thank you. We appreciate
22 you being here. We appreciate your participation in
23 the process.

1 And again, for the record, the decision
2 of the Council will be issued as a written decision
3 by Miss Cronin. No member of Council or NFPA staff
4 will be permitted to convey that decision of the
5 Council outside of that written decision.

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

10 (Discussion off the record.)

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

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

17 We are on, for the record, Agenda Item
18 11-8-6-a and 11-8-6-c. In a moment I'm going to ask
19 all the members of the Standards Council as well as
20 everyone in the room to introduce yourself for the
21 record.

22 Also I want to remind you that throughout
23 all of this hearing, a record of this is being taken

1 so you need to preface your remarks with your name
2 and affiliation so we make sure that those are
3 appropriately attributed.

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

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

9 MS. FULLER: Linda Fuller, NFPA staff.

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

12 MR. MILKE: Jim Milke, member of Council.

13 MR. LEBER: Fred Leber, member of
14 Council.

15 MR. DEMERS: David Demers, member of
16 Council.

17 MR. JARDIN: Joseph Jardin, member of
18 Council.

19 MR. HUGGINS: Roland Huggins, member of
20 Council.

21 MR. McDANIEL: Danny McDaniel, member of
22 Council.

23 MR. SNYDER: Michael Snyder, member of

1 Council.

2 MR. OWEN: Richard Owen, member of

3 Council.

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

5 Council.

6 MR. BELL: Kerry Bell, member of Council.

7 MS. BRODOFF: Maureen Brodoff, NFPA staff

8 and legal counsel to the Standards Council.

9 MR. FINNEGAN: Dan Finnegan, Siemens

10 Industry, guest.

11 MR. COTE: Ron Cote, NFPA staff.

12 MR. SPOKIS: Joe Spokis, NFPA.

13 MS. COLLETTE: Kristin Collette, NFPA

14 staff.

15 MS. GOLINVEAUX: Tracy Golinveaux, NFPA

16 staff.

17 MS. HANSON: Paige Hanson, NFPA.

18 MS. JARIWALA: Nilu Jariwala, NFPA.

19 MS. COUGHLIN: Ann Coughlin, NFPA staff.

20 MS. HOUSEWRIGHT: Meghan Housewright,

21 NFPA staff.

22 MR. BIELEN: Richard Bielen, NFPA staff.

23 MR. HARRINGTON: Gregory Harrington, NFPA

1 staff.

2 MR. KLAUS: Matt Klaus, NFPA staff.

3 MR. DUFFY: Chad Duffy, NFPA staff.

4 MR. BERRY: Dennis Berry, NFPA staff.

5 MR. EARLEY: Mark Earley, NFPA staff.

6 MS. BALLESTER: Susan Ballester, NFPA

7 staff.

8 MR. HART: Jon Hart, NFPA staff.

9 MR. COLONNA: Guy Colonna, NFPA staff.

10 MR. CRNKO: Tim Crnko, Cooper Industries.

11 MR. ERICKSON: Doug Erickson, American

12 Hospital Association.

13 MR. DEGNAN: James Degnan, Sparling.

14 MR. WEBSTER: Hugh Webster, National

15 Electric Fuse Association.

16 MR. DOLLARD: Jim Dollard, IBEW.

17 MR. SAPORITA: Vince Saporita, Cooper

18 Bussman, representing National Electric Fuse

19 Association.

20 THE CHAIRMAN: Thank you. Mr. Owen.

21 MR. OWEN: Richard Owen, member of the

22 Council. For the record, I am recusing myself on

23 this agenda item. I will not participate as a member

1 of the Standards Council in the hearing,
2 deliberations, or voting on this matter.

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

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

12 And I guess the two appeals that we have
13 to deal with this afternoon are 11-8-6-a and
14 11-8-6-c.

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

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

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

22 MR. DOLLARD: Yes. Jim Dollard.

23 MR. BELL: In support of the appeal.

1 MR. DOLLARD: In support of the appeal.

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

4 MR. ERICKSON: Doug Erickson, American
5 Hospital Association.

6 MR. DEGNAN: James Degnan, Sparling.

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

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

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

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

21 And once the opening remarks have been
22 made, we'll open up the discussion to questions from
23 the Standards Council members.

1 And then after that we'll allow you to
2 make any closing remarks that you have to both sides
3 with a total time limit of five minutes.

4 We ask that you adhere to these time
5 restrictions so that we can handle these appeals in
6 an efficient manner from the time standpoint.

7 With that I guess we'll go ahead and get
8 started with Mr. Saporita. Go ahead and make your
9 opening remarks.

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

13 Good morning. I'm Vince Saporita
14 representing the National Electric Fuse Association.
15 I work for Cooper Bussman and am a member of the NEC
16 Code Panels 10 and 11 and NFPA 70E.

17 We're here this morning to request
18 acceptance of two separate but related Certified
19 Amending Motions from the June 2011 association
20 technical meeting.

21 We'll begin with Certified Amending
22 Motions 99-10 through 99-14. You can follow along on
23 page 489 of the supplemental agenda.

1 Page 4. This presentation will clearly
2 demonstrate step by step how the failure of the NFPA
3 process has led to a situation so significant that
4 the Technical Correlating Committee for the NEC, on a
5 June the 2nd teleconference, unanimously decided to
6 support these Certified Amending Motions.

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

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

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

22 The appeal was denied, but the Task Group
23 on Inter-Committee Coordination on Emergency

1 Electrical Systems -- notice the word emergency is
2 there -- was created and charged to address whether
3 certain requirements of the NEC are based on
4 installation requirements or on performance
5 requirements.

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

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

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

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

23 The six members of the Sub-Task Group 1

1 also included three users from the health care
2 industry. 50 percent.

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

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

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

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

22 Five out of six members of Sub-Task Group
23 1 -- that's 83 percent -- were either users

1 representing the health care industry or special
2 experts consulting for the health care industry, all
3 five interests opposing CAM's 99-10 through 99-14.

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

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

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

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

1 now?

2 MR. BELL: Do what you want.

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

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

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

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

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

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

14 MR. SAPORITA: He sent the letter.

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

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

22 "This unnecessary code provision will add
23 15 to 20 percent to our electrical designs. ASHE and

1 AHA on behalf of our 9200 personal members and 4800
2 institutional members is asserting our right against
3 this deliberate use of the code's process by
4 requesting our members and product specifiers to
5 cease the use of any products supplied by -- company
6 name removed.

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

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

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

20 Without the ability to sit at the table
21 and intelligently discuss the pros and cons of a
22 position and participate in the balloting process and
23 debate, it is impossible to adequately discuss and

1 debate an issue.

2 The National Electric Fuse Association
3 was given the opportunity to and did address the
4 committee at the ROC meeting, but it is not the same
5 as sitting at the table and voting on the committee.

6 This is a clear violation of ANSI 1.1, openness.

7 Page 11. The NFPA 99 Technical Committee
8 voted for essential systems and health care
9 facilities to require isolation of a fault only when
10 the overcurrent device takes one tenth of a second or
11 longer to open.

12 Total problem-circuit isolation of life
13 safety-related circuits will not be required for most
14 short-circuits and ground faults in health care
15 facilities, but it is required for other types of
16 occupancies covered by NEC articles on elevators,
17 emergency systems, legally-required standby systems,
18 critical operations power systems, fire pumps, NFPA
19 20 fire pumps, and NFPA 111 stored electrical energy
20 emergency and standby power systems.

21 See Attachment 2, which covers NEC Code
22 Making Panel 13, the ones that cover emergency
23 systems, for their statements on the necessity of

1 total selective coordination for the full range of
2 overcurrents.

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

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

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

23 Page 15. Is it permissible to install

1 fire pumps so that a short-circuit or ground fault
2 can unnecessarily cause a loss of power to one or
3 more or all fire pumps? The answer is no per the
4 NEC. The answer is yes per NFPA 99.

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

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

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

15 Page 6. The Task Group and Sub-Task
16 Groups decide which NEC requirements they want to
17 control and designate them as performance based.

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

22 Conflicts now exist with NFPA 70,
23 resulting in significant safety, liability, and

1 enforcement issues.

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

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

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

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

19 Remedy -- I'm almost done here -- reverse
20 the vote on Certified Amending Motion 99-6 from the
21 2011 association technical meeting.

22 Remedy -- and this is one you might want
23 to do instead of the first remedy I gave. Simply

1 create a new 6.3.2.2.10.6 reading, Except as amended
2 by Chapter 6, the Life Safety branch and Critical
3 branch shall comply with NFPA 70, Article 700,
4 Emergency Systems. That solves the majority of the
5 problems.

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

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

19 MR. BELL: Thank you. Mr. Dollard?

20 MR. DOLLARD: Thank you, Mr. Chairman.

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

23 I've been involved in the NFPA consensus

1 process for many years. I presently serve in the
2 NFPA consensus process on three NEC committees; the
3 Technical Correlating Committee, CMP 10, CMP 13,
4 NFPA 70E and NFPA 90A.

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

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

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

21 The Task Group was titled the Task Group
22 on Inter-Committee Coordination on Emergency
23 Electrical Systems.

1 It was titled Emergency Electrical
2 Systems, yet no one from NEC, CMP 13 with purview
3 over emergency electrical systems had any input at
4 any time.

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

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

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

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

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

23 If this appeal is not upheld, we will see

1 proposals from 99 that have to get extracted into the
2 NEC which will be the beginning of the end.

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

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

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

13 Thank you, Mr. Chairman.

14 MR. BELL: Thank you. Mr. Erickson.

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

19 By the way, Douglas Erickson, American
20 Hospital Association. I was going to get there.
21 First of all, it's nice to be before the Council once
22 again. I think it's probably my 20th or 25th time if
23 I count my 30 years of working with NFPA.

1 I'm here really to represent the actions
2 of the NFPA 99 TCC and also of the NFPA 99 ELS
3 Committee.

4 I did come to you back in 2007. I
5 mentioned to this Council fairly firmly that we have
6 a problem and this problem is going to snowball.

7 This problem is only going to get worse
8 unless we have a direct division of who is
9 responsible for what within either NFPA 99, Article
10 517, Article 700, now I'm hearing Article 708, which
11 was never supposed to be applied to hospitals, and
12 also NFPA 110.

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

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

22 This has everything to do with our
23 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.

1 We've tried to figure that out. We've
2 tried to find that out. We've tried to figure that
3 when they made application to the ELS Committee.

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

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

12 The chairman gave them whatever time they
13 needed. They had formal presentations. It's just
14 that the ELS Committee voted 17 to 2 to say that we
15 want a performance base for cascading faults set at
16 .1 seconds up against instantaneous.

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

20 We were actually following -- and
21 Mr. Degnan can bring this up -- but what -- the
22 California state requirements are at .1. The Florida
23 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.

1 Finally, I've got an e-mail in here
2 saying to the rest of the members, We have to move
3 forward. We have got a deadline. We've got to
4 report back.

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

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

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

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

22 Following the electrical requirements for
23 elevators out of the NEC, that's still a requirement.

1 It's not written out of NFPA 99.

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

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

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

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

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

21 So in closing, what I'd like to do is say
22 we did our job. We did it to the best of the ability
23 that we had at the time with the resources we had,

1 the direction we had from the Council, and this is
2 the end result.

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

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

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

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

18 We have about 150 electrical engineers
19 and four offices, mostly up and down the west coast.
20 I am also the ASHE representative to Code Making
21 Panel 13.

22 I was one of two individuals that
23 presented on selective coordination to the Electrical

1 Technical Committee at the ROC meeting, and I did not
2 know that there was an official request for a Code
3 Making 13 Panel member to be at that meeting, but I
4 was there coincidentally.

5 I should also make it clear that I was --
6 On Code Making Panel 13 I was in favor of the
7 proposals that wanted .1 second, and so I was in the
8 minority on that panel.

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

12 I want to say that both of us had ample
13 opportunity to present to the entire Technical
14 Committee our viewpoints and had a very open
15 question-and-answer session that followed after that.
16 And I don't think that there was any stone that was
17 unturned in that process.

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

21 I am also in favor of the 0.1 second
22 criteria as I think that it allows hospitals to be
23 different from the egress lighting systems and egress

1 emergency systems that are the focus of Article 700
2 in the National Electric Code.

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

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

12 So there's a very definite need for NFPA
13 99 to move away from some of the language in 700 and
14 I'm supportive of this and I encourage the denial of
15 the appeal.

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

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

23 This Task Group was formed nominally in

1 07 or 08 I believe you mentioned. Any time before
2 today was there a complaint filed about the balance
3 of this committee?

4 MR. SAPORITA: No.

5 MR. BELL: Can you state your name?

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

11 MR. MILKE: Just a follow-up, and I'm
12 sorry for referring to you as Mr. Allison. Another
13 question is in our supplemental agenda there is a
14 listing of the Task Group members, the eight members.

15 And you were suggesting there were
16 perhaps three that were tied to the health care
17 industry or you felt -- I'm looking at this handout
18 we have.

19 And there are eight names, and six of
20 them have checks and I'm trying to sort out what the
21 meaning of the checks might be as opposed to your
22 reference about people being associated with the
23 health care industry.

1 MR. SAPORITA: I believe three of the
2 eight I mentioned were members of the health care --
3 users within the health care industry.

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

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

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

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

18 MR. DOLLARD: Yes, I would like to make
19 two brief comments. One, the reason there was no
20 complaints about these Task Groups is no one knew
21 until the work of the Task Group was done and it was
22 disseminated to committees as, you know, this is what
23 Standards Council said.

1 Standards Council said, Hey, all this is
2 is useful guidance. It was manipulated and turned
3 into, You're going to do -- This is a document that
4 came from Sub-Task Group 1.

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

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

14 MR. BELL: Mr. Erickson.

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

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

22 So in other words, this had nothing to do
23 with the health care industry trying to put more

1 members on and get this committee out of balance.

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

7 When you look at the committee itself,
8 that committee was made up of individuals who
9 represented various NFPA standards such as NFPA 101,
10 Life Safety Code.

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

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

22 And when you look at the other members
23 that were on the committee, they were made up of NFPA

1 20 -- and I think there was one other. It was 99,
2 20, 72, 101, and then I believe there was one other.

3 I can't remember where they -- I've got
4 it right here. Oh, it was NFPA 5000 and 110, Dave
5 Stymiest from 110 who was the chair of 110 at the
6 time.

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

11 MR. BELL: Miss Brodoff.

12 MS. BRODOFF: Maureen Brodoff. I just
13 wanted to clarify. You've made various charges or
14 allegations that the Task Groups were not balanced.

15 Task Groups under our process are not
16 Technical Committees and are not required to be
17 balanced under ANSI-approved NFPA rules and I'd
18 specifically cite 2.1.3.4.

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

1 ANSI?

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

4 MS. BRODOFF: Thank you.

5 MR. SAPORITA: No claims on the Technical

6 Committee or the Technical Correlating Committee.

7 But I believe your regs say that Task Groups and

8 Sub-Task Groups of Technical Committees or Technical

9 Correlating Committees do not need to be balanced.

10 It says nothing about Task Groups or

11 Sub-Task Groups that report to the Standards Council.

12 And when you think about it, if it's a Task Group or

13 a Sub-Task Group reporting to a Technical Committee,

14 okay, they have oversight of technical people.

15 If we have a Task Group or a Sub-Task

16 Group reporting to this higher -- the highest level

17 committee of all, there aren't necessarily technical

18 people on this group to oversee a Task Group or a

19 Sub-Task Group from a technical standpoint.

20 So I don't think we would want to say

21 that a Task Group or a Sub-Task Group reporting to

22 this committee doesn't need to be balanced.

23 It's those that report -- because the

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

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

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

12 MS. BRODOFF: I just wanted to clarify
13 that.

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

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

19 MR. BELL: Mr. Dollard.

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

1 Carpenter as to the makeup of the committees.

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

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

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

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

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

20 MS. CRONIN: Thank you for the
21 clarification.

22 MS. BRODOFF: I think you've clarified
23 it, Jim, but Doug Erickson indicated earlier in his

1 statement -- maybe he misspoke -- that Mark Earley
2 had appointed a Task Group, and I just want to
3 clarify that --

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

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

15 MR. ERICKSON: All right.

16 MR. BELL: Ms. Cronin.

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

23 MR. SAPORITA: Yes, ma'am.

1 MS. CRONIN: Did you present at the
2 Technical Committee meeting?

3 MR. SAPORITA: We presented at the ROC
4 meeting.

5 MS. CRONIN: Thank you.

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

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

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

23 MR. ERICKSON: Doug Erickson, American

1 Hospital Association. My comments were that with the
2 exception of that placard, everything else is covered
3 within NFPA 99.

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

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

18 I mean, what I'm saying is I think we're
19 being misrepresented in all of these things that --
20 where he says NEC says yes, NFPA 99 says no.

21 With the exception of the placard on the
22 door, that's the only thing that was left out of NFPA
23 99 as we were doing the rewrite. It's there.

1 MR. BELL: Mr. Saporita.

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

7 What you see here, what you heard me talk
8 about, is a small amount of the issues and the
9 problems.

10 If there was any question in our mind, we
11 didn't even put it on the list. These are ones that
12 are not there. They're not covered. To me they're
13 important. Okay?

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

20 MR. BELL: Ms. Brodoff.

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

23 MR. ERICKSON: No, I'm not.

1 MS. BRODOFF: So you didn't vote on
2 either -- except in your capacity as a TCC member,
3 you didn't vote on these -- either of these proposals
4 that were the subject of CAM's?

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

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

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

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

16 MR. ERICKSON: Absolutely not.

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

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

1 Saporita. No, ma'am.

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

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

8 MR. BELL: Kerry Bell, member of Council.
9 I've got one question, just kind of a follow-up to
10 some questions that Miss Brodoff and Miss Cronin had.

11 And that is -- my question to you,
12 Mr. Saporita, is there any area of the regulations
13 for developing standards that you think that was
14 violated?

15 You made reference to essential ANSI
16 essential requirements, but is there any specific
17 regulation that you believe was violated?
18 Regulations that have been published by NFPA.

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

22 But I believe that we did not have
23 balance on the Task Group or on the Sub-Task Groups,

1 and the results of not having balance in the Sub-Task
2 Group and in the Task Group was that it was
3 determined -- they determined what portions of the
4 NEC they couldn't control, where they didn't get
5 their wish.

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

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

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

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

23 And at what point -- How much conflict do

1 we need between a university standard and the
2 National Electrical Code or NFPA 20?

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

6 MR. BELL: Miss Cronin.

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

10 MR. SAPORITA: Balance.

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

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

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

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

19 MS. CRONIN: Thank you.

20 MR. BELL: Mr. Demers.

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

1 some straight answers.

2 MR. SAPORITA: Okay.

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

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

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

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

19 We have a member on NFPA 110 and 111 from
20 the NEFA organization that you folks have approved.
21 We have applied for numerous code panels including
22 NFPA 99. The three members are Little Fuse, Mersen,
23 which used to be Carbone Ferraz, and Cooper Bussman.

1 And in fact, we just last week sent in
2 another application and have included all the bylaws
3 and the rules governing committee action and the
4 rules for members on outside organizations.

5 We've included all that in applications
6 -- in an application that we just sent in last week
7 for NFPA 99. So all of that information is actually
8 here in the building today.

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

11 MR. BELL: Mr. Jardin.

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

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

1 standpoint.

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

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

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

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

15 You wouldn't want to take out the
16 200-ampere device in -- the main on that panel board.
17 You would not want to take out the 800-ampere main in
18 the building.

19 So that's what selective coordination is.
20 It's isolation of a problem. It's very easy to do
21 that with a fusible system. You can do it with a
22 circuit breaker system just as well. It takes more
23 work.

1 MR. JARDIN: Thanks.

2 MR. BELL: Miss Brodoff.

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

11 MR. SAPORITA: Vince Saporita. This
12 change as proposed by NFPA 99 does not prevent us
13 from selling into the marketplace.

14 This change does remove the requirements
15 for selective coordination for all practical
16 purposes.

17 There is no longer a need for selective
18 coordination, so there's no need to worry about
19 whether you have fuses or circuit breakers. There's
20 basically no requirement there.

21 MR. BELL: Mr. Dollard.

22 MR. DOLLARD: Thank you, Mr. Chairman.

23 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

1 requirements from 99 into the NEC, and we're setting
2 a path for a dozen -- You have the home builders, you
3 name it. They're all going to come to you for a
4 guide, develop their own standard, and we won't have
5 an NEC anymore. We'll have occupancy-based standards
6 with electrical requirements. Thank you,
7 Mr. Chairman.

8 MR. BELL: Mr. Degnan.

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

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

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

21 I disagree with the statement that the
22 0.1 criteria essentially guts the requirements for
23 selective coordination.

1 There are several key aspects of
2 coordination that are still required under the 0.1
3 criteria.

4 And in particular -- and I'll get a
5 little technical here but -- when we look at between
6 a circuit breaker or source such as a generator or
7 service in the branch circuit that's downstream,
8 there's only about 6 nodes of circuit breakers that
9 can get into that window.

10 And that window is retained under the 0.1
11 second criteria and that also results in a better
12 performing electrical system.

13 And so this is not a non-performance
14 requirement. The 0.1 is a valid performance
15 requirement that does impose restrictions on
16 designers and -- but at the same time, it allows them
17 to weigh those decisions against other equally
18 relevant criteria such as the arc flash criteria
19 which can create a hazard or electricians who are
20 working on energized electrical systems.

21 And in hospitals that are 24/7
22 facilities, it is often necessary to work on
23 energized electrical systems.

1 And again, it's one of the reasons that
2 NFPA 99 needs to look at separation from Article 700.

3 MR. BELL: Mr. Erickson.

4 MR. ERICKSON: Doug Erickson, American
5 Hospital Association. Just to let you know, the ELS
6 Committee did hear from the Fuse Manufacturer
7 Association three times. Not once. Three times.

8 Because we had two ROC meetings because
9 we did get returned to committee, and they were at
10 both the ROC meetings and also at the initial ROP
11 meeting.

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

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

21 MR. BELL: Mr. Saporita.

22 MR. SAPORITA: Vince Saporita. I would
23 urge the Council members to please look at Attachment

1 2. It is a brief outline of the committee statements
2 from Code Making Panel 13 which is responsible for
3 emergency systems.

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

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

10 A brand new Code Making Panel 13 was
11 brought back in and they kept the same requirements.
12 That was for the 2008 National Electrical Code.

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

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

19 MR. BELL: Kerry Bell, member of Council.
20 I've got a question for Mr. Saporita. On page 22 of
21 one of your handouts here relating to agenda topic
22 11-8-6-a, you suggest one of the remedies is to
23 create some new text.

1 And my question to you, did you submit
2 this text during the proposal or comment phase at
3 all?

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

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

10 If the NFPA 99 Technical Committee does
11 indeed believe that it is bound by Article 700, then
12 they will have no problem with those suggested words.

13 Now, we know from past NEC proposals for
14 Code Making Panel 15 that the health care people have
15 wanted to divorce themselves from Article 700.

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

20 If in fact that is the case, there should
21 be no objection to those words. And again, we came
22 up with those words as we were preparing for the
23 appeal. It just provides a very simple solution to

1 Certified Amending Motion 99-6.

2 MR. BELL: Mr. Erickson.

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

6 There are still sections of 700 that will
7 appear within both 99 and eventually within Article
8 517.

9 It wasn't saying that we completely threw
10 the baby out with the bath water. We're saying that
11 700 does not fit for health care facilities in its
12 totality, and what we wanted to do was pick and
13 choose those sections of 700 that do apply to Article
14 517 and also apply to NFPA 99.

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

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

1 within those structures.

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

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

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

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

17 NFPA 110, as we know, is the standard for
18 emergency power supply systems. Within that standard
19 we have different classifications of generator
20 systems, of emergency power supply systems, whether
21 it's a Type I, Type II system, how quickly it has to
22 come on line; is it on line within --
23 instantaneously, 10 seconds, 30 seconds, two hours,

1 10 minutes? None of that appears within 700.

2 The next thing is do we -- when you look
3 at the maintenance in the testing and how we do our
4 acceptance testing versus how we do our monthly
5 testing and our testing every three years for four
6 hours.

7 I mean, there's a lot built into the
8 emergency power supply system of a hospital that is
9 much different than a high-rise or auditorium, a
10 school, etcetera, because we are a 24/7.

11 We have those very critical patients that
12 are within our health care facilities and, by the
13 way, if you combine 110 and 99, you have a much
14 stronger code than you do within Article 700 for
15 emergency power supply systems. Much stronger.

16 MR. CLARY: Thank you.

17 MR. BELL: Mr. Degnan.

18 MR. DEGNAN: James Degnan, Sparling. I
19 would just like to add to that that in the other
20 buildings types that you mentioned, office buildings
21 and so forth, the application of Article 700 is
22 written towards egress systems, towards helping
23 people evacuate the building in the event of a fire

1 alarm.

2 In hospitals an emergency system is used
3 to sustain life, and so you get into evaluating how a
4 system that or code that's written to get people out
5 of a building is used to sustain life within a
6 building. And there are differences.

7 MR. CLARY: Thank you.

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

11 MR. SAPORITA: Thank you for the time to
12 allow us to come speak before the Standards Council.
13 I think -- You know, we've heard some claims of
14 balance, dominance, openness, and conflict.

15 I've heard very little response from the
16 opposing side disclaiming those suggestions for
17 balance. The dominance is clear.

18 I recognize dominance is not within NFPA
19 regs, but dominance is certainly within the ANSI
20 essential requirements.

21 Openness and conflict. They're there.
22 It's hard to -- It's hard to deny that those aren't
23 there.

1 We've also seen in the conflict -- and I
2 think many of those areas that I covered somehow
3 touched most each and every one of you, whether it's
4 a fireman getting stranded in an elevator or a first
5 responder entering a smoke-filled room.

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

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

13 MR. BELL: Mr. Erickson.

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

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

17 MR. DOLLARD: Thank you, Mr. Chairman.

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

22 And that is that the National Electrical
23 Code Committee has denied what has been done in an

1 end around. This is really just a means and method
2 to subvert the NEC.

3 The reason there was no CMP 13 members --
4 and Jim and I are both -- Jim is a CMP 13 member. He
5 was not at the time he spoke to the Task Group. It's
6 because at that time there was no CMP 13.

7 So it's significant that the NEC
8 community has said no. Can this be done? The answer
9 is yes. We need a strong Task Group.

10 We need a chairman that stays involved
11 with the Sub-Task Groups, and I guarantee this can be
12 done within the NEC and actually make Mr. Erickson
13 happy.

14 When you take a look at this cycle of 99,
15 we had serious problems. We had a return to
16 committee.

17 We had two chapters that were deleted.
18 Now we're writing TIA's. This is just another
19 problem in this cycle.

20 In my opinion -- and I refuse at
21 Standards Council to get into technical debates
22 because that's for the CMP's, that's for the
23 Technical Committees and not here.

1 But in my opinion you will find clear
2 procedural violations. This is not how the consensus
3 process is supposed to work. It's broken. It's the
4 reason I'm here.

5 And I would like to thank you for your
6 time. I know your workload is tremendous and I won't
7 belabor this anymore. Thank you, Mr. Chairman.

8 MR. BELL: Now Mr. Erickson.

9 MR. ERICKSON: Doug Erickson, American
10 Hospital Association. First of all, I just want to
11 make a few points.

12 The Task Group for the Inter-Committee on
13 Emergency Power Systems I believe followed the rules
14 of the Standards Council.

15 Also, we had what we considered was a
16 non-biased group appointed by, once again,
17 Mr. Carpenter and -- I won't bring up --
18 with probably recommendations from staff.

19 We worked hard to get our work done. We
20 did it, as I said, in an unbiased fashion.

21 Second thing is we do believe that
22 selective coordination is performance related.
23 Whether it's instantaneous or 0.1, that is

1 performance. That is not installation.

2 We are not against trying to keep
3 cascading faults from occurring. As a matter of
4 fact, look at the history in health care facilities
5 and I will guarantee you will not find any difference
6 from before 2005 when this was entered into Article
7 700 as to today.

8 The second thing is NFPA 99 is now a
9 code. We are no longer a standard. We are a code,
10 and we will be recognized as a code by many of the
11 authorities having jurisdictions that said we could
12 not adopt you as a standard but we can now adopt you
13 as a code.

14 We are recognized by the Centers For
15 Medicare and Medicaid Services, by the Joint
16 Commission, by other national organizations, VA, DOD.

17 We're not just a little fly-by-night
18 outfit out there any longer. The ELS Committee is
19 made up of 22, maybe 24. It keeps growing almost
20 every day as more members of the contracting
21 committee, the installing community, the
22 manufacturing community, the consulting community,
23 come on board.

1 The problem we have right now is we've
2 got two committees; one panel, Panel 15, and an
3 Electrical Systems Technical Committee, responsible
4 for pretty much the same material. We're almost
5 duplicating our work at this point in time, so that
6 is an issue.

7 Next issue that I want to have as a
8 remark is we have to do something with Article 700
9 and NFPA 110.

10 They both speak to emergency power supply
11 systems, 110 being close to a 30-some-odd page
12 document, 700 being a 3-page, 4-page document. There
13 has to be some reconciliation there.

14 Next thing is, yes, we did get returned
15 to committee; yes, we did have some issues this go-
16 around. We came to the Council.

17 We came to the standards administration
18 of NFPA many years ago and we wanted to completely
19 rewrite NFPA 99 which had been in existence for about
20 25 years and had looked like Frankenstein.

21 It had different body parts all over the
22 place. It was bandaged. It was all pieced together.
23 And it was time for a rewrite.

1 I never knew how difficult it was going
2 to be when I asked to have that accomplished. It was
3 not simple.

4 We went from an occupancy-based criteria,
5 meaning that we were putting ourselves into silos,
6 hospitals, ambulatory care, nursing homes, other
7 health care types of facilities, dental.

8 Well, if you've watched health care over
9 the last 10, 15, 20 years, you've seen that we no
10 longer have those silos.

11 Health care goes anywhere from home
12 health care all the way up to the major tertiary care
13 facilities.

14 So what we did as a 99 committee was we
15 tore down those silos and we went to a risk-based
16 system, meaning what is the risk of the patient in
17 whatever kind of an occupancy that patient happens to
18 be receiving care.

19 Whether it's an ambulatory surgical
20 facility, where's it's in a hospital, whether it's in
21 an ambulatory health care, whether it's in a doctor's
22 office, it was all based on risk. This did not come
23 easy.

1 So here again, yeah, there were some
2 flaws in the system, there was a couple of hiccups in
3 the system, but all in all we've accomplished our
4 goal.

5 I have to really thank the committee
6 members that worked thousands and thousands of hours
7 to make this happen.

8 And I can tell you we didn't take any of
9 this lightly as we were looking at the kinds of
10 conflicts that we're talking about now between
11 Article 517 and 99.

12 We truly believe that we did what was
13 best for the health care community, for the type of
14 construction, the patients we serve, and pretty much
15 for the communities that's we serve. Thank you very
16 much.

17 MR. BELL: At this point we're going to
18 close this hearing. Before I do this I want to
19 sincerely thank each of you for coming to Braintree
20 and participating in this hearing and sharing your
21 valuable input.

22 I do want to remind you that the decision
23 of the Standards Council will be issued in writing.

1 No NFPA or Standards Council member is permitted to
2 convey any information regarding this decision.

3 The official decision of the Standards
4 Council will be issued by the secretary, Amy Cronin.

5 And with that, we're going to close this hearing and
6 go off the record. We're going to take a break.

7 (Whereupon at 11:55 a.m. the hearing closed.)

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C E R T I F I C A T E

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I hereby certify that the foregoing 191 pages

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contain a full, true and correct transcription of all

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my stenographic notes to the best of my ability taken

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in the above-captioned matter held at the offices of

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the NFPA on Tuesday, August 9, 2011, commencing at

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8:00 a.m.

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Linda J. Modano, Registered Professional Reporter

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My commission expires May 11, 2018

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