

You Can Make a Change in NFPA Standards

Our society is based upon public consensus – from political elections to participation in city council meeting, Code hearings and other public forums, the public is given opportunity to express their opinions and attempt to change the status quo. We often say - “If you didn’t vote, don’t complain about the outcome”. It is much the same with NFPA Standards

NFPA 10 – Standard for Portable Extinguishers is now in a review cycle. Proposals are being accepted until May 30, 2008. FEMA (Fire Equipment Manufacturers Association), FEMA Code and individual FEMA members often receive requests from Fire Equipment Distributors (FED’s) to change NFPA Standards. Any one can propose a change in an NFPA Standard and FEMA encourages FED’s to do so. You are not required to be an NFPA member or a member of any other organization. This article will take you through the NFPA Standards review process and give direction on submitting proposals.

NFPA Standard Review Process

All NFPA Standards are reviewed on a periodic basis or “cycle”. The cycle period may differ from one standard to another, some may be on a three year or a four year cycle. The first step in the process is a “Call for Proposals”. NFPA will list the various Standards that are calling for proposals on their website or in their Code Newsletter along with the closing date or deadline, for proposals to be received. If proposals are not received within the deadline, or submitted properly, then there will not be another chance to submit a proposal until the next cycle.

ROP (Report On Proposals) Meeting

Once proposals are received, written correctly on the proper form, the Technical Committee or TC for the Standard must meet to review each proposal. This meeting is called the ROP meeting and is open to the public. If you wish to attend the meeting – it is advisable, and considered proper etiquette to notify the Committee Chairmen and/or the NFPA Liaison for the Committee. The Committee must take action on each proposal submitted before them, vote on the action and issue a report (Report On Proposals) after the final votes are in. If you attend the meeting, you are not allowed to vote as you are not a member of the Committee, though you may be allowed to speak to your proposals at the discretion of the Committee Chairman. The Committee may also introduce “Committee Proposals” as the need arises in the ROP meeting.

Committee Actions

The TC may take one of five actions to a proposal. These are – Accept, Reject, Accept in Principle, Accept in Part and finally, Accept in Part in Principle.

Accept. If they vote to Accept, the proposal is accepted exactly as it is written and no substantiation has to be given for their action. For any action other than Accept, the Committee must give a reason for their action.

Reject. If they vote to reject, the proposal is rejected in its entirety and a substantiation or reason for rejection must be given.

Accept in Principle. To accept a proposal in principle, the Committee accepts the intent or the principle behind the proposal but has changed the language or re-worded the proposal. This must also have substantiation for the action and is usually done for clarification or to meet the NFPA rules for “Manual of Style”.

Accept in Part. When the Committee votes to Accept in Part, they are accepting only a portion of the language in the proposal without changing any of it. Reasons for not accepting all of the language must be given.

Accept in Part in Principle. This is a combination of the accepting only part of the proposal and then changing the language in the portion that is accepted.

Voting. The Committee members vote at the TC Meetings and a simple majority is required to pass a specific action, however, this vote is not official until a letter ballot is issued to each Committee member and received by NFPA before the ballot deadline. If Affirmative votes are returned regarding the Committee’s actions, they do not have to include any substantiation for their actions on the ballot. If a Negative vote is returned, it must include reasons for the negative vote. If even a single negative vote is received, the letter ballot is recirculated and the voting process starts again with the negative ballot(s) being circulated to all Committee members. This allows the entire Committee to review the reasons for the negative vote(s) and, if the reasons are compelling enough, they can change their vote. A 2/3rds majority is required on the letter ballot for the Committee actions to move forward. Once a 2/3rds majority is achieved in the letter balloting, the Committee’s action on each proposal given is published in NFPA’s Report on Proposals for public review.

Report On Comment (ROC) Meeting

Once the Report on Proposals has been published, there will be a Call for Comments. No new proposals may be introduced at this time. Anyone can submit a comment on the Committee’s actions during the ROP process and give new substantiation for the Committee to consider. The rest of the process for the actions that the Committee is allowed to take, the voting process and final letter ballot remain the same as in the ROP. Once the ROC process is complete, the results are published in NFPA’s Report on Comments. If there are no NITMAM’s filed (Notice of Intent to Make a Motion), the revised Standard is sent to the Standards Council for review and acceptance. Once accepted by the Standards Council, the new Standard is published and the review cycle starts all over again when the Call for Proposals is issued on that Standard.

Submitting a proposal:

All proposals must be submitted on the NFPA form – Form for Proposals on NFPA Technical Committee Documents. You can find a sample of a proposal and a blank proposal form in the back of any NFPA Standard. The Proposal Form must be filled out accurately and completely to be considered. Specific paragraphs of the Standard must be referenced and specific wording must be submitted. Without a specific paragraph reference and specific proposed wording, the proposal usually is rejected by the Committee quickly with the substantiation – “No specific paragraph is referenced” or “No language has been proposed”.

Annex Material vs. Main Body. Annex Material that is contained in the Annex Section of the Standard and beginning with a prefix such as “A” or “B” (i.e.: A7.2.2) is not considered to be part of the Standard and therefore is not considered to be enforceable language. It is meant for “informational

purposes only”. Only “enforceable language” is allowed in the main body of the Standard. This is important to remember when writing a proposal. If you are attempting to make a change in the main body of the Standard and you use words such as “should” or “maybe”, it will not be considered enforceable language and will either get rejected, changed or moved to the Annex. Words such as “shall” or “must” are considered enforceable and as such are appropriate for the main body of the Standard.

Formatting the Proposed Language. It is also important to copy the paragraph that you are altering and use the “strike through key for deletion of words” and “underline for insertion of words”. This makes it easier for the Committee to track the changes and view how the new language will read. If you are adding anew requirement, you should assign a paragraph number to the new language, and then request that the paragraphs be re-numbered.

Proposal Content. The content of the proposal should aimed at solving a problem or improving fire protection in some manner. Proposals that attempt to restrict markets, gain a marketing/selling advantage or that increase sales opportunities without addressing a specific problem or increasing the degree of fire protection will usually be recognized by the Committee for what they are and rejected. Of particular interest to the Committee will be proposals that solve problems surfacing in the field, or suggestions to aid local AHJ’s (Authorities Having Jurisdiction) in enforcing the Standard.

Substantiation. Substantiation must accompany the proposal in order to be considered. Proposals that “clean up” the Standard by moving items to more logical Sections, correcting mistakes in the language, updating referenced material such as ASTM, ANSI/UL test standards or CFR (Code of Federal Regulations) requirements are considered “editorial” and do not require much in the way of substantiation other than to state that those reference materials need to be updated or corrected. Proposals for new or different requirements need a solid case for the change given in the substantiation. This can be provided in the form of statistics, examples, photos or other documentation.

Once the Proposal Form is complete, it may be submitted to NFPA by mail, fax or in electronic form. You may then track its progress by either attending the TC meeting or reviewing the published results in the ROP.

Submitting a Comment. Should you not agree with the Committee’s action on your proposal, there is still an option to resubmit and attempt to change the Committee’s action by submitting a comment. Basically, the process is the same as for a proposal. The major difference is that you must refer to the proposal number and log as stated in the ROP and it is advisable to try slightly different language and substantiation that is also different in its content. You can also submit a comment regarding the Committee’s action any proposal that you have reviewed in the ROP. As an example, if the Committee rejected a proposal that you felt should have been accepted in some manner, you can submit a comment, referring to that proposal in the same manner as submitting a comment on your own proposal.

There are further actions that may be taken even after the ROC stage of the review cycle. A NITMAM may be filed, requiring the issue to be heard on the floor of the Annual Meeting and even if the NITMAM is defeated at the meeting, an appeal can be made to the Standards Council. The NITMAM and appeal to the Standards Council is generally not advised unless the issue is absolutely critical as both are costly and time consuming in addition to running the risk of alienating the Committee and the Standards Council to your point of view in future endeavors.

Summary. While the NFPA review process may seem daunting, tedious and time consuming, it represents your opportunity to affect change in an NFPA Standard that not only impacts your business, but also the quality of fire protection where you and your family work and live. NFPA 10 – Standard for Portable Extinguishers are no in the review cycle with a proposal closing date of May 30, 2008. If you are feel that changes should be made in this Standard, now is the time to submit those changes in the form of a proposal. Just as someone who did not take the time or effort to vote in a political election shouldn't complain about the outcome of that election, if you have specific issues with an NFPA Standard, you should take the time to try to make a change in the Standard. As with most democratic or consensus processes, the outcome of your proposal is anything but guaranteed. One thing is certain, no change may take place without taking action to attempt to make the change.

Published in the December 2007 edition of NAFED *FireWatch!*