



Casey C. Grant, P.E.  
Secretary, Standards Council

20 January 2005

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#05-03</b>
Standards Council Agenda Item:	<b>SC#05-1-4-a</b>
Date of Decision*:	14 January 2005
NFPA 99, <i>Standard for Health Care Facilities</i>	

Dear Interested Parties:

At its meeting of 12-14 January 2005, the Standards Council considered an appeal on the above referenced matter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Casey C. Grant".

Casey C. Grant, P.E.  
Secretary, NFPA Standards Council

- c: D. Berry, R. Bielen, M. Brodoff, S. Desrocher, L. Nisbet  
Members, TCC on Health Care Facilities (HEA-AAC)  
Members, TC on Piping Systems (HEA-PIP)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

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



Standards Council Decision (Final):	<b>D#05-03</b>
Standards Council Agenda Item:	<b>SC#05-1-4-a</b>
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<i>NFPA 99, Standard for Health Care Facilities</i>	

At its meeting of 12-14 January 2005, the Standards Council considered an appeal relating to the successful floor amendment of returning Comment 99-126 and related proposal 99-307 on 5.1.10.5.8(1) and a new 5.1.10.5.8.1 in the proposed 2005 edition of NFPA 99, *Standard for Health Care Facilities*. The effect of accepting this appeal would be to return to previous edition text and remove new requirements relating to the use of live or hot taps on existing active medical gas pipelines.

This motion to return Comment 99-126 and related proposal 99-307 was supported by the NFPA membership at the Technical Committee Report Session of the November 2004 Association membership meeting, but subsequently failed to pass the ballot of the Technical Committee on Piping Systems. NFPA rules generally consider this a circumstance where there is insufficient consensus to move forward with any change to the code, and the result recommended by the full NFPA codes and standards development process is, therefore, to return the affected text (5.1.10.5.8(1) and a new 5.1.10.5.8.1) to that of the previous edition. In this case, that recommendation is the same as the successful floor amendment to return Comment 99-126 and related proposal 99-307. In opposition to this recommendation, an argument submitted by Mr. D. Mohile requested that, instead of returning to previous edition text, the Council should accept the changes to 5.1.10.5.8(1) and a new 5.1.10.5.8.1 that were supported by the technical committee in its actions on Comment 99-126 and related proposal 99-307. For purposes of this appeal, Mr. Mohile, who opposes the result recommended by the codes and standards process, is considered the appellant.

On an appeal, the Standards Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all of the arguments raised in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results recommended by the NFPA codes and standards development process. After reviewing and considering all the information available to it, the Council voted to deny Mr. Mohile's appeal, with the result that Comment 99-126 and related proposal 99-307 on 5.1.10.5.8(1) and a new 5.1.10.5.8.1 shall, as recommended, be returned to previous edition text.