



Dawn Michele Bellis  
Secretary, Standards Council

13 September 2024\*

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#24-4</b>
Standards Council Agenda Item:	<b>SC#24-8-9-b</b>
Date of Decision:	29, August 2024
NFPA 150, <i>Fire and Life Safety in Animal Housing Facilities Code</i> , 2025 Edition	

Dear Interested Parties:

At its meeting of August 27-29, 2024, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

A handwritten signature in black ink that reads "Dawn Michele Bellis".

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: S. Gallagher, T. Vecchiarelli  
Members, TC on Animal Housing Facilities (ASF-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

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\*NOTE: Participants in NFPA's standards development 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 Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council (see [www.nfpa.org/regs](http://www.nfpa.org/regs)). 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 publication date of this Decision.



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***SUMMARY OF ACTION (for convenience only; not part of official decision):*** The Standards Council voted to deny the appeals seeking to overturn the results of the NFPA Membership at the 2024 Technical Meeting of CAM 150-7/150-8/150-9/150-10/150-11/150-14 to Reject Second Revision No. 12.

***DECISION:***

At its meeting of August 27-29, 2024, the Standards Council considered the combined appeals from Michael Formica, Chief Legal Strategist, National Pork Producers Council; Jake Larose, Risk Control Representing AJ Gallagher & Company; David Schilling, American Farm Bureau Federation; Emily Stearns, American Horse Council (AHC); Tim Gess, Prism Controls; Sean Ryan, Prism Controls; Lauren Lurkins, United Egg Producers; and Matthew Spencer, US Poultry and Egg Association. The appeals request that the Standards Council Overturn the results of the NFPA Membership at the 2024 Technical Meeting on CAM 150-7/150-8/150-9/150-10/150-11/150-14 for the 2025 Edition of NFPA 150, *Fire and Life Safety in Animal Housing Facilities Code*. Specifically, the appeals request to Reject Second Revision No. 12.

As background, CAM 150-7/150-8/150-9/150-10/150-11/150-14 failed to achieve the necessary support of the voting Association Members during the NFPA Technical Meeting. At the first draft meeting, the Technical Committee on Animal Housing Facilities (“TC”) considered Public Input No. 7, which proposed fire sprinkler protection for animal housing facilities of a certain size. The TC did not make a first revision based on that PI, but formed a task group on agricultural fire safety to “...examine the benefits of passive vs. active fire protection...discuss hazards certain systems might present to the animals, water supply, construction requirements and which class the requirements should apply to..”<sup>1</sup> Task Group members included two of the appellants and other members of the TC. <sup>2</sup> At its second draft meeting, the TC created Second Revision (“SR”) No. 12, which requires automatic fire sprinkler protection in facilities with a certain “animal size threshold”, with an option for AHJ approval of equivalent alternative and/or passive protection.

CAM 150-7/150-8/150-9/150-10/150-11/150-14 sought to reject SR No. 12, but failed to achieve the necessary support of the voting Association Members during the NFPA Technical Meeting.

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<sup>1</sup> First Draft Meeting Minutes September 14, 2022. The formation of the task group was referenced in the TC’s response to PI No. 7 and in its statement on First Revision No. 9. The TC noted in FR No. 9 that one basis for forming the task group was a recent [report](#) from the Fire Protection Research Foundation and AWI showed the high number of fires impacting animals in agricultural facilities. On this basis, the TC formed a task group

<sup>2</sup> Task Group members identified at the First draft meeting were Scott Learned of Design Learned Inc. (chair; special expert), Clay Aler of Koffel Associates (special expert), Matthew Spencer of the US Poultry and Egg Association (user), Michael Keenan of Arthur J. Gallagher & Co. (insurance), Rita Neiderheiser of the UA Sprinkler Fitters LU 669 (labor), James Lewis of American Fire Sprinkler Corporation (installer/maintainer), Jeffrey Reetz of Fire and Risk Alliance, LLC (special expert), Paul Haas of All Fire Solutions Inc. (special expert), and Kristin Weniger of Koffel Associates Inc. (special expert).

On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated.

The appellants raise several arguments in support of their appeal. The first argument was about the number of ballots returned at the second draft ballot stage. The second draft ballot cover sheet shows that there were 31 committee members eligible to vote; 19 of them supported SR No. 12 and 3 members voted against the revision. The *Regulations Governing the Development of NFPA Standards (Regs)* requires two-thirds affirmative vote of the ballots returned to pass (Section 4.4.10.1). There were 22 ballots returned on the second draft, which means 15 affirmative votes were required to pass ballot. Here, SR No. 12 received 19 affirmative votes, which more than satisfied the revision ballot requirements. The *Regs* also require an affirmative vote of at least a simple majority of the total membership (section 3.3.4.3). That requirement was also satisfied because there were 31 eligible voting members, and more than 17 affirmative votes. The voting was consistent with the requirements of the *Regs*.

Appellants point out that two of the TC members who voted affirmatively on SR No.12 included in their affirmative comments that they believed the text on ballot did not match the committee’s wording agreed upon during the meeting, and one of the comments was that it was an “editorial change”. There was an editorial correction which changed a cross reference at the very end of section 17.3.5.1.1 to read “17.3.5.1.2”, when it originally pointed in error to section “17.3.5.2.” The TC member who made the comments about the need for an editorial change opposed this appeal at the hearing and advocated to support SR No.12 without raising any concern for the language. The record shows that both individuals who included comments nevertheless voted to support SR No. 12.

The appellants also raise concern that five members of the TC did not participate during the second draft stage of standards development. This not a process defect. The *Regs* establish a threshold of participation for achieving consensus through balloting, which was satisfied during the revision cycle as described above. At the end of a revision cycle, NFPA staff typically reaches out to volunteers on the TC who did not participate during the cycle, which will likely take place before the next revision cycle commences.

In addition, the appellants expressed concerns that the task group chair failed to forward all research materials to the entire task group. However, at the hearing the parties agreed that this was due to inadvertence. Notwithstanding the inadvertent action of the task group chair, the inaction did not limit or preclude parties from presenting those materials directly to the task group or the TC.

During the appeal, the appellants discussed the technical reasons for their opposition to SR No. 12 and proponents of SR No. 12 discussed their reasons for requiring automatic sprinkler protection. Indeed, the standards development record shows this topic has been considered in various forms by the TC throughout the past 12 years.<sup>3</sup> Both sides articulated technical and scientific arguments in support of their respective positions. The record shows this technical debate remains ongoing. In particular, the second draft meeting minutes, dated October 12 and 13, 2023 show the TC formed two new task groups to provide public inputs or recommendations to the TC before the first draft meeting of the next revision cycle. One of the task groups is “agricultural facilities fire safety”, with a scope to:

review the sources and causes of fire in agricultural animal housing facilities and consider

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<sup>3</sup> During the revision cycle on the 2013 edition of NFPA 150, the TC decided not to require automatic fire sprinklers in animal housing facilities. In an August 2012 [decision D#12-6](#), this Council heard an appeal from parties seeking to overturn the results of the process and require sprinkler protection. In that decision, the Council upheld the results of the process and issued NFPA 150 with no requirement to sprinkler animal housing facilities. While this topic has not come before the Standards Council since the 2012 decision, the standards development record reflects debate on sprinkler protection in animal housing facilities every revision cycle.

protection necessary to protect these types of facilities. Review the scope of chapter 17...

This task group includes several of the appellants, including Mr. Formica, Mr Spencer, Mr. Larose, as well as at least one of the opponents to this appeal, Ms. Neiderheiser.

The TC Chair also appointed a task group on “performance-based design option”, with a scope to:

define a performance-based design option for NFPA 150 as an alternative to the prescriptive requirements of NFPA 150.” Likewise, this task group includes opponents and proponents of this appeal, including Mr. Spencer and Ms. Neiderheiser.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in these appeals. In the view of the Council, these appeals do not present any clear and substantial basis upon which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeals. The effect of this action is that the 2025 Edition of NFPA 150, *Fire and Life Safety in Animal Housing Facilities Code* will include the text of Second Revision No. 12.

In its request for relief, Appellants asked Council to form a task group to study sprinklers in livestock barns. This appears to be within scope of the agricultural facilities fire safety task group formed at the second draft meeting of this revision cycle. Council encourages the appellants to discuss with the Chair of the TC if additional expertise may be useful on the task group, or if a scope change should be considered. In addition, Appellants requested that Council extend the revision cycle from 3 years to 5 years. Council encourages the TC to consider whether the revision cycle length should be different, and, if so, to submit request for consideration that Council change the length of future revision cycles.