



**National Fire Protection Association**

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**COMMITTEE ON HAZARDOUS CHEMICALS**

**TO:** COMMITTEE ON HAZARDOUS CHEMICALS

**FROM:** G. R. Colonna and Laura Montville, Staff Liaison

**DATE:** February 26, 2014

**SUBJ:** Minutes of NFPA 40 and 400 First Draft Meeting, November 5 - 7, 2013

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**I. Attendance: (by web and conference call)**

*Members and Alternates:*

Robert James, Chair, UL LLC, FL

Elizabeth Buc, Fire & Materials Research Laboratory, LLC, MI

Chris Connealy, Texas Department of Insurance, State Fire Marshal, TX

Edwin Cope, Cope Engineering, TX (remote attendee)

Richard Craig, Compressed Gas Association, VA

Dirk Der Kinderen, US DOT, PHMSA, DC

Mark Dossett, San Diego Fire-Rescue Department, CA (representing CA Fire Chiefs Association)

Robert Fash, Las Vegas Fire & Rescue, NV (representing Fire Code Committee) (remote attendee)

Henry Febo, FM Global, MA

Virgil Fowler, PotashCorp, GA (representing The Fertilizer Institute)

Kathleen Franklin, US Environmental Protection Agency, DC

Marty Gresho, FP2 Fire, Inc., CO

Rhett Hesprich, Pond & Company, GA

Noel Hsu, Orica USA Inc., CO (representing The Fertilizer Institute)

Paul Iacobucci, Akzo Nobel, IL (representing SPI/Organic Peroxide Producers Safety)

Lynne Kilpatrick, Sunnyvale Department of Public Safety, Fire Marshal, CA

Richard Kraus, API/Petroleum Safety Consultants, VA (representing TCC on Flammable and Combustible Liquids)

Kevin Kreitman, City of Redding Fire Department, CA (representing TCC on Combustible Dusts)

Thomas Kuechler, Occidental Chemical Corporation, IL (Isocyanurates Industry Adhoc Committee)

Kathy Landkrohn, US Department of Labor, OSHA, DC

R. Kenneth Lee, Axiall Corp, AR

Patrick McLaughlin, McLaughlin & Associates, ID (representing TC on Industrial, Storage, & Miscellaneous Occupancies)

Joyce Miles, ExxonMobil Research & Engineering, TX (representing American Chemistry Council)

Kirk Mitchell, Kirk Mitchell & Associates, LLC, FL (representing Isocyanurates Industry Adhoc Committee)

Kathleen Nehmer, Pond & Company, MA  
Eugene Ngai, Chemically Speaking LLC, NJ  
Milton Norsworthy, Lonza Group, Ltd., TN  
Anthony Ordile, Haines Fire & Risk Consulting Corporation, NJ  
Jerald Pierrottie, Lonza Group, Ltd., GA  
Jerrold Sameth, Compressed Gas Association, VA  
James Vigerust, CB&I, NM (representing the NFPA Industrial Fire Protection Section)  
Guy R. Colonna, NFPA, Staff Liaison  
Laura Montville, NFPA, Staff Liaison  
Nancy Pearce, NFPA, Staff Liaison (remote attendee)

*Guests:*

Johnnie Banks, US Chemical Safety Board, DC (remote attendee)  
Warren Bontoyan, MD Department of Agriculture, State Chemist, MD  
Paul Brown, ATF  
David Chicca, OSHA (remote attendee)  
Sharon Cregger, Library of Congress  
Philip Davidson, MD Department of Agriculture, MD  
Susan Flanagan, Institute of Makers of Explosives  
Pam Guffain, The Fertilizer Institute  
Rachael Gunaratnam, US Chemical Safety Board, DC  
Matthew Harrison, Architect of the Capitol  
Heather Heckman, University of Wisconsin (remote attendee)  
Meghan Housewright, NFPA, DC  
Ben Jones, Office of Texas State Chemist, Association of American Plant Food Control Officials  
Gregory Lukow, Library of Congress  
Kenneth McManus, MD Department of Agriculture  
Timothy R. Minner, Architect of the Capitol  
Meredith Moore, GAO  
Katie Mullen, Wisconsin Historical Society (remote attendee)  
Offiah, MD Department of Agriculture, State Chemist  
Samuel Oyewole, US Chemical Safety Board (remote attendee)  
Rachel Parker, Library of Congress  
David Shatzer, Shatzer & Associates Consulting  
Jonathan Shrine, Architect of the Capitol  
Rob Stone, Library of Congress  
Ronald D. Thomas, Institute of Makers of Explosives  
Jeffrey Wanko, OSHA  
Cynthia Wernet, Institute of Makers of Explosives (remote attendee)  
George Willeman, Library of Congress

## **II. Minutes of Meeting**

1. The Chair called the meeting to order at 8:05 a.m., Tuesday, November 5, 2013. He welcomed the members and guests and provided a brief outline of the agenda for the meeting noting that there are two documents undergoing First Draft revisions, NFPA 40 and NFPA 400. Following his

review of the agenda, the Chair invited the members and guests (including those participating remotely) to introduce themselves and identify their affiliations.

2. The Committee approved the minutes from the April 25, 2013, pre-First Draft meeting.

3. As part of the Staff presentation, the Committee membership was reviewed, noting that applications to be considered for the March 2014 Standards Council meeting were due to NFPA in December. The Committee currently has 32 voting members. Staff also provided a review of the new NFPA Standards Process, including a discussion of the actions available to the Committee during its review of the Public Input items for both NFPA 40 and 400. The Chair noted that a number of the guests had previously contacted NFPA staff to request the opportunity to comment during the Committee's review of specific agenda items for both documents. In many cases, the guests were the submitters of those items so such comments from the submitters could assist the Committee in its deliberations, once those items were moved to the table for consideration.

4. With no further administrative information needed, the Chair moved to the agenda item for review and action of the Public Input for NFPA 40. This discussion included guests from the Wisconsin Historical Society, responsible for submitting a number of the Public Input items, as well as staff from the Library of Congress and the Office of the Architect of the Capitol, who attended during the continuation of the meeting at the film archives in Culpepper, VA, following the facility tour.

As part of the review of the agenda items pertaining to NFPA 40, the Committee recommended that some items be further reviewed through a task group comprised of Milton Shefter and Michael Viggiani of the Hazardous Chemicals Committee and Katie Mullen, Wisconsin Historical Society. Since the Committee created Committee Inputs (CI) related to some of the proposed changes, the Chair is looking to the task group to resolve questions regarding the proposed changes recommended in the PI and develop possible Public Comments for review during the Second Draft meeting in August. The Committee created 15 First Revisions and 2 Committee Inputs for the First Draft for NFPA 40. These actions will be prepared as items for review in the electronic ballot to be forwarded separately to the committee members following this meeting.

5. The Committee acknowledged the work of Rachel Parker and Rob Stone, Library of Congress, to host the Committee during its tour of the film archives at the Culpepper, VA facility.

6. The meeting reconvened for Day 2 at 8:05 am, Wednesday, November 6, and following introductions, received an abbreviated overview of the NFPA standards process and procedures governing the meeting. The Chair reviewed the agenda for those in attendance both in person and via the remote access, and noted that review and action on Public Input submitted to NFPA 400 comprised the primary focus for the remainder of the meeting. Before proceeding with the PI items, the Chair asked that Paul Iacobucci present his report on the work of the ammonium nitrate (AN) task group, formed by the Chair shortly after the explosion at the fertilizer plant in West, TX in April 2013.

7. Paul Iacobucci, serving as leader for the Ammonium Nitrate (AN) task group introduced the activity the group was assigned and then asked Henry Febo and Marty Gresho to discuss their two tasks. Henry outlined the issues addressed by his draft document that provided possible changes

to various sections of existing Chapter 11 within NFPA 400. Marty also reviewed his draft document, which addressed emergency responder guidance for incidents involving AN. Following these overview presentations highlighting the work completed thus far by the AN task group, the Chair opened the floor to comments, both from the Committee members as well as from the guests.

After some discussion, there was a motion to create a Committee Input (CI) to delete Chapter 11. This motion failed. In a related action, a motion to create a separate document for ammonium nitrate was not passed, as the Committee reaffirmed its intent that all hazardous chemicals/materials should be covered by NFPA 400, and that creating a separate AN document would counteract that goal held by the Committee. The Committee passed a motion to create a CI to revise Chapter 11; the preliminary work of the task group forms the basis for this revision going forward. The CI uses the task group drafts presented by Henry and Marty and enables the public and others to submit Public Comments aimed at improving the content of Chapter 11 and ensuring it captures the issues raised by the emergency responders, industry, and federal agencies. The Chair also renewed the AN Task Group, with Paul Iacobucci agreeing to continue leading its efforts. The goal for the task group going forward is to continue working on the questions asked in the CI substantiation and to begin development of revisions to Chapter 11 so that the proposed changes can be submitted as Public Comments to be considered during the Second Draft meeting in August. The key issues outlined in the CI include:

- Classification of AN
- MAQ for AN
- Construction requirements (facility and storage bins)
- Automatic sprinkler protection
- Separation distances - to other materials, other structures, property line
- Emergency responder guidance and safe practices

8. The Chair moved to the next item on the agenda, following the extensive discussion of the issues related to AN, which is the review and action by the Committee on the Public Input submitted to NFPA 400. The Committee completed review and action on all Public Input items and developed 86 First Revisions and 3 Committee Inputs. These actions will be prepared as items for review in the electronic ballot to be forwarded separately to the committee members following this meeting.

9. In addition to the AN Task Group, a number of other task groups reported on work prepared in advance of this meeting:

- a) Extraction of MAQs NFPA 30 – Tony Ordile prepared input to be considered by the Committee as First Revision; the Committee approved the addition of the NFPA 30 MAQ values for both flammable and combustible liquids in the MAQ tables in Chapter 5.
- b) Extraction of MAQs NFPA 484 – no update was presented on this task group activity.
- c) Reserved Sections of 400 – Lynne Kilpatrick reported that the task group recommended for full committee consideration that all the “reserved” paragraphs and their associated annex text be deleted for this revision cycle. The Committee accepted the recommendation and a Global FR was created.
- d) Process Safety – no update was presented on this task group activity.

- e) Oxidizer Classification – Elizabeth Buc provided an update on this work and First Revisions were approved as appropriate; in addition, a CI was also approved for annex material.
- f) OSHA HazCom 2012 and NFPA 400 correlation – Kathy Landkrohn recommended that MSDS be changed to SDS (along with the full text matching those acronyms) throughout NFPA 400; the Committee approved the recommendation and a Global FR was created to achieve that recommendation.
- g) Multiple Commodities within NFPA 400 – no update was presented on this task group activity.
- h) Hazardous Waste Facilities – Milton Norsworthy reported on the work of this task group that originates with two CSB investigations at waste treatment, storage, and disposal (TSD) facilities. Not much progress has been made on this to date, so Mickey asked whether the Committee still supported the objective for the task group, which is to develop content for NFPA 400 that could become a dedicated chapter. **[Staff note: this was submitted at the end of 2013 as a possible FPRF code fund project; no decision has been reached on whether to fund this project in 2014]**
- i) Research Foundation Task Group – Eugene Ngai reported on the work underway regarding a code fund project on determining the basis for separation distances found within various NFPA codes and standards. This effort related both to distances for materials such as AN to other materials and structures and adjoining property, but also for occupied areas that are proximate to hazardous processes (like control rooms). The second aspect of the project relates to a CSB investigation and recommendations to NFPA regarding the siting of things like control rooms relative to hazardous processes. **[Staff note: the contractor failed to complete this project, so it has been halted and is being refined in terms of project statement and will be rebid and re-awarded for 2014 execution.]**

As a reminder, Elizabeth Buc encouraged the Committee to alert the Fire Protection Research Foundation to research projects relevant to the hazardous materials area. This can be done directly to the Foundation, but also through the annual request for code fund projects.

- j) Organic Peroxides Task Group – Paul Iacobucci reported on the work of this task group and then guided the Committee through the respective PI items to create corresponding First Revisions.

10. Staff identified several items seeking Committee review and comment. Several of these items were based on advisory service inquiries, and staff was seeking clarification of the intent from NFPA 400, while other items became the basis for either FR or CI development. One item, came from another committee – Gas Process Safety, responsible for NFPA 56. That committee encourages other committees to include a reference to NFPA 56 now that it has become a permanent standard. Because NFPA 56 addresses gas process safety and NFPA 400 extracts much of its gas content from NFPA 55, the Hazardous Chemicals Committee believes that it is more appropriate that NFPA 55 consider referencing NFPA 56 and not NFPA 400. The Gas Process Safety TC will be informed of this position by the Hazardous Chemicals Committee.

11. **Next Meeting.** The Committee discussed date and location for its Second Draft meeting based on the schedule outlined by the Staff. The Public Comment closing date is May 16 and the last date for the Committee to hold its meeting is October 31. During this meeting, the Committee

selected Portland, OR as the first choice location and a tentative date of August 5 - 7, with the meeting opening at 8:00 am on the 5th and the meeting adjourning by 4:00 pm on the 7th.

**[Staff Note:** *Following the meeting, Staff submitted the request for scheduling an NFPA 40 and 400 Second Draft meeting and the NFPA meetings department reported back that costs for Portland for those dates are prohibitive both for sleeping room prices as well as meeting room expenses. So, with concurrence of the Chair, the meeting will be held the same dates, but in St. Paul (Minneapolis was the second choice voted by the Committee).]*

12. There being no further business, the meeting was adjourned at 4:30 p.m., Thursday, November 7, 2013.

Respectfully submitted,

G. R. Colonna, Staff Liaison