



Member of the FM Global Group

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February 25, 2009

**RE: Summary of and Response to Public Comments, Request for Clarification
and Next Steps
February 11, 2009**

FM Approvals' Comments

Dear NASFM Members and authors of Code Action Bulletin (CAB) entitled "Pallet Fire Loading Impact on Sprinkler Design":

FM Approvals appreciates the opportunity to participate in the development of this important Code Action Bulletin (CAB). FM Approvals also appreciates NASFM's intent to use the CAB process to focus code officials on the accurate and consistent application of the rules. We feel we can provide useful suggestions to assist with that intent. FM Approvals therefore offers the following comments/suggested improvements as a result of the specific Summary of and Response to Public Comments dated February 11, 2009 as posted on the NASFM website.

1. Certain changes were proposed to clarify and otherwise improve The Code Action Bulletin. (Reproduced in part)

NASFM is considering the removal of all references to FM Approvals, because the Code Action Bulletin addresses code enforcement, and FM Approvals are related to insurance coverage. We invite comments about this approach from interested parties, including FM and UL. In addition, the FM standard applies only to "idle" pallet storage equivalency with wood, and in all known cases the pallets would be used for storing commodities in addition to being arranged in "idle" stacks. The UL standard is the only one that addresses both issues. The Bulletin will be clarified to indicate that the focal point is pallets in use to store commodities. Several comments spoke of the cost and inefficiencies of compliance with two differing sets of fire safety criteria. This subject is addressed again below.

FM Approvals' Response: In order to clearly indicate to code enforcers the intent behind third party, independent testing and certification organizations like FM Approvals, UL and other Nationally Recognized Testing Laboratories (NRTLs), it is imperative that they are all presented in the same light for the purpose of uniform code enforcement. Removing reference to FM Approvals does a disservice to these code authorities since it might add confusion, as indicated by the above response statement.

Products that are tested, certified and listed by FM Approvals are subject to the same enforcement prescribed by various codes and standards making organizations. In the case of NFPA, FM Approved products are subject to the same "listed" requirements as



provided by the definition in Section 3.2.3 of NFPA 13. Therefore, it would be inappropriate to remove all references to FM Approvals since FM Approved products are subject to code enforcement. Code enforcement is wholly independent of how U.S. property insurers choose to underwrite based on their policyholders' utilization of products certified by UL, FM Approvals or others testing laboratories.

We will address the second issue of "idle" pallet storage in a subsequent response.

2. As a matter of fairness and because of the varying fire performance of pallets, some comments have suggested that all pallets, regardless of material, be listed to UL 2335. (Reproduced in whole)

NASFM believes that this proposal has merit. As a matter of fairness, NASFM tends to support level playing fields. But NASFM also has found that "grandfathering" provisions may not be based on science, and do not always serve the public interest in fire safety. For example, in recent code cycles, the International Building Code exemption for metallic roofing shingles was removed when testing demonstrated that these materials failed the fire performance criteria for listing.

Code enforcement unquestionably would be more consistent and efficient with an extension of listing to all pallets. NFPA 13 currently requires code enforcement officials to detect even the smallest amount of plastic in what would seem to be a wooden pallet. Some wooden pallets use polymeric glues, which may contribute very little to fire loads. At the same time, code officials have no authority to restrict pallets made of soft, resinous woods known to have very poor fire performance. This inconsistency serves no one.

Several public comments have suggested additional research to determine an appropriate level of safety. This research would logically begin with fire performance data for all pallets in wide commercial use, regardless of materials used.

FM Approvals' Response: FM Approvals would strongly object to any requirement for all pallets, regardless of material, to be listed to UL 2335. Pallet manufacturers, particularly plastic pallet and other non-wood pallet manufacturers, deserve a choice in this regard. Some may choose to have their products tested in accordance with ANSI/FM 4996 "Classification of Idle Plastic Pallets as Equivalent to Wood Pallets". In so doing, their pallets may then be treated as wood pallets for the purpose of automatic sprinkler protection per NFPA 13, Sections 5.6.2.7 and 12.12.2.1 (6).

Again, this is not so much a matter of consistency of testing practices as it is a matter of understanding the applicable code requirements for listed products. This CAB is an appropriate vehicle for providing that understanding. To simply dismiss other testing and certification protocols from consideration is not consistent with the CAB's intent to provide focus on accurate and consistent application of the rules.



3. Several comments expressed confusion and frustration with two competing sets of fire safety criteria. (Reproduced in whole)

Some comments claim that the UL and FM criteria are interchangeable. To read them, they are not. UL tests both loaded and idle stacks of pallets, while FM does not. The NFPA 13-2007 handbook mentions UL 2335 as appropriate criteria and makes no mention of FM 4996. If the two sets of criteria are interchangeable, we would ask FM to provide examples of where it has accepted UL 2335 in lieu of its own criteria. It would be informative to have UL and FM express their views on whether the two sets of criteria are interchangeable or equivalent.

Nonetheless, the concept of a single set of criteria has merit. As it now stands, changes are being contemplated for both sets of criteria, and these changes may magnify the differences, complicating and adding cost to compliance and adding confusion to what already is an overly complex challenge. NASFM understands and is highly supportive of the important but different missions of UL and FM, but believes that a discussion of integrated criteria would be healthy.

FM Approvals' Response: ANSI/UL 2335 "Fire Tests for Storage Pallets" was adopted by the American National Standards Institute (ANSI) in 2004 as a National Consensus Standard. Similarly, ANSI/FM 4996 "Classification of Idle Plastic Pallets as Equivalent to Wood" was adopted by ANSI in 2007. These are two distinctly different methods for testing and certifying pallets. A pallet manufacturer may choose to have their product evaluated for protection as a commodity, as is the case with the ANSI/UL Standard. Likewise, the manufacturer may choose to have their product evaluated as equivalent to a wood pallet for the purpose of fire protection, in which case the ANSI/FM 4996 Standard would apply.

Code enforcement officials need to know which code protection criteria applies in either case. As an example, for a commodity tested pallet, the rules in NFPA 13, 5.6.1.1.2, 5.6.2.4 and 12.12.2.1 (7) provide the applicable fire protections requirements. For a non-wood pallet tested and found as equivalent to wood pallets for fire protection purposes, the rules of NFPA 13, 5.6.2.7 and 12.12.2.1 (6) apply.

Finally, the reference to UL 2335 in the NFPA 13 – 2007 Handbook is tutorial and non-enforceable as a code requirement. In order to better assist NFPA 13 Code users, FM's representative on NFPA 13 is taking action to include ANSI/FM 4996 into the Handbook for additional reference.

Above are examples of the educational focus that needs to be taken in the CAB. The two testing/certifying organizations, UL and FM Approvals, have worked with their listed customers and advised them of their options for testing and certification. Some manufacturers have chosen to test and certify with both organizations. This is their choice. Local Authorities Having Jurisdiction (AHJs) and other code enforcement officials need to be mindful of which protection requirements apply based on the pallet certification. The undertaking in this CAB will serve to provide the clarity and consistency that is needed.

4. One public comment argued for exemptions for facilities with few pallets in use or storage. (Not reproduced)

FM Approvals has no comment to this response.

5. Some areas of comment were outside of the scope of this initiative. (Not reproduced)

FM Approvals agrees with NASFM's position and reply.

In summary, FM Approvals supports NASFM and the next steps indicated in their summary document. In particular, FM Approvals will attend the March 12, 2009 meeting being hosted by NASFM in an effort to reach consensus on the draft Code Action Bulletin, and methods for dissemination. FM Approvals offers its services to assist the coordinating committee that will facilitate this process. Further, FM Approvals will participate at the NASFM Annual Conference, June 19-21, in Richmond, WA for the purpose of furthering stakeholders' discussion.

We look forward to the continued development, consensus and dissemination of the CAB.

Sincerely,



George Smith, P.E.
AVP Director