

March 10, 2009

Attention: Code Application Bulletin
National Association of State Fire Marshals
1319 F Street, NW, Suite 301
Washington, DC 20004

Dear Sir or Madam:

The following is provided as commentary to the National Association of State Fire Marshals (NASFM) "Summary of and Response to Public Comments, Request for Clarification and Next Steps."

Establishing a Listing Requirement for All-wood Pallets

"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."

Establishing a listing requirement for an all-wood pallet, or for an all-wood product of any type, would set a completely new, unwarranted and unjustified precedent for code-making. NFPA and ICC product standards universally use wood as a base material against which all other materials are measured for fire performance. The codes are clear in defining wood pallets, and are clear in not requiring wood pallets to conform to any additional standard. Nor is there a case that block pallets are a new development. They had been in widespread use for many years before the current codes were established.

Further, this proposition is fundamentally unworkable, due to the thousands of different types of pallet in use in the United States, constructed of many different species, in addition to the millions of wood pallets imported each year.

We appreciate that NASFM is striving toward a simple and uniform approach toward pallet enforcement, and suggest that the best and most enduring remedy would be to encourage reinstatement of the NFPA 13 plastic pallet definition that existed prior to the 2007 edition.

"Grandfathering"

"NASFM seeks clarification of the "grandfathering" provisions cited in several comments. Some public comments suggest that the owners and operators of existing buildings are free to ignore the impact on existing levels of fire protection. NASFM would appreciate the details supporting this claim."

NFPA 13-2007 "Standard for the Installation of Sprinkler Systems" created an unnecessary code enforcement challenge in its redefinition of what constitutes a "plastic pallet." As has been articulated in prior commentary, the pallet industry is unaware of any fire science-based justification for the change in the NFPA 13 plastic pallet definition to include wooden pallets which contain composite wood materials. Indeed, NASFM

suggests this in its own comments that “Some wooden pallets use polymeric glues, which may contribute very little to fire loads.” We appreciate that NASFM acknowledges this important fact about the fire performance of composite wood blocks.

The NFPA 13-2007 retroactivity clause (1.4) states: “Unless otherwise specified, the provisions of this standard shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of this standard.” The intent of this statement is such that a requirement for a sprinkler upgrade based solely on the plastic pallet definition change would be unnecessary in any facility or structure in which the sprinkler system has been appropriately designed to manage pallet fire loading in accord with previous editions of NFPA 13.

A simple reading of the whole clause and explanatory paragraphs indicates the intent of NFPA that only a severe deficiency in sprinkler protection in a specific facility would occasion a retroactive application of the most recent code. It is not the intent of NFPA 13 that sprinkler systems used to protect wood pallets in every manufacturing and shipping facility in the United States be upgraded based on the use and storage of wood pallets with composite wood blocks. Neither 100% wood pallets nor wooden pallets with composite wood blocks create such a severe deficiency in sprinkler protection.

FM Listing

“NASFM is considering the removal of all references to FM Approvals...”

We do not believe that it is appropriate for NASFM to create enforcement guidance that so significantly departs from the intent of NFPA 13 with respect to listing agencies. FM Approvals is accepted in every jurisdiction in the United States, and it would be highly unusual for AHJs to be asked to only accept a UL listing for a product that is used exclusively in manufacturing, shipping and retail facilities – of which almost 80 percent of these facilities are estimated to be insured through Factory Mutual Global.

Contrary to the NASFM commentary, the NFPA 13-2007 handbook does identify both Factory Mutual and Underwriter Laboratories, Inc as having developed relevant product standards for pallets defined as plastic pallets [Explanatory paragraph 5.6.2.6]. Furthermore, in the absence of a product listing, NFPA 13-2007 also accepts fire performance data that establishes a plastic pallet’s equivalency to wood. As such, it seems capricious of NASFM to assert that only a UL listing should be used for enforcement purposes, when appropriate test data can be accepted in place of a product listing from an accepted laboratory.

With regard to the differences in testing requirements between FM 4996 and UL 2335, it should be noted that FM Approvals has extensive data regarding both idle storage testing and commodity class testing. As such, we are confident that FM Approvals has developed an appropriate standard and testing regime to meet the concerns of NASFM – as it does for the NFPA.

The companies that comprise the pallet industry support fire safety and believe that truly effective and actionable guidance information will go a long way to toward dispelling heightening confusion about pallet code requirements and concern about potentially significant economic costs and business disruptions.

In contrast to the undefined benefits from the proposed re-interpretation of the codes, we believe the costs of implementation would be very substantial. We are particularly mindful that our industry's customer base includes nearly every American manufacturer, retailer and logistics company, and that more than \$2 trillion worth of goods are shipped annually on the nearly 1.2 billion pallets (the vast majority of which are wooden) in use every day. As such, unwarranted financial burdens or disruptions to the supply chain should be of great concern to these businesses as well as to policymakers, especially during a significant economic downturn. This is especially so in the absence of any evidence that we are aware of that wood pallets and/or wood pallets with composite wood blocks pose a new fire hazard in a warehouse environment, in idle or commodity storage, or otherwise.

We look forward to working with NASFM as it continues to develop a common sense approach to enforcement of NFPA 13-2007 and with regard to the use and storage of wood pallets and wood pallets with composite wood blocks. We would be pleased to discuss our comments in greater depth or to provide additional information as appropriate.

Signatures on the following page.

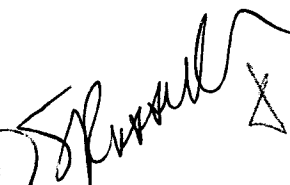
Sincerely,



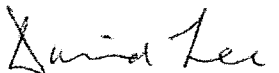
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cc: NASFM Board of Directors

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