MEMORANDUM

TO: NFPA Technical Committee on Ambulances
FROM: Yvonne Smith, Project Administrator
DATE: January 22, 2013
SUBJ: NFPA 1917 Proposed TIA No. 1088 FINAL TC BALLOT RESULTS

According to 5.4 in the NFPA Regs., the final results show this TIA HAS achieved the ¾ majority vote needed on both Question 1 (Technical Merit) and Question 2 (Emergency Nature).

30 Eligible to Vote
2 Not Returned (Freiburger, Southard)

Technical Merit:  Emergency Nature:  
1 Abstentions (Patrick) 1 Abstentions (Patrick)
26 Agree (1 w/comment; Hicks) 26 Agree (1 w/comment; Hicks)
2 Disagree (Juneau, Wilde) 2 Disagree (Juneau, Wilde)

There are two criteria necessary to pass ballot [(1) affirmative ¾ vote and (2) simple majority] with both questions needed to pass ballot in order to recommend that the Standards Council issues this TIA.

(1) The number of affirmative votes needed for the report to be published is 21.
(30 eligible to vote - 2 not returned - 1 abstentions = 27 × 0.75 = 20.25)

(2) In all cases, an affirmative vote of at least a simple majority of the total membership eligible to vote is required. This is the calculation for simple majority:
[30 eligible ÷ 2 = 15 = (15)]

Final ballot comments are attached for your review. Ballots received from alternate members are not included, unless the ballot from the principal member was not received.

Attachments
Question 1: I agree with the TECHNICAL MERITS of the Proposed TIA 1088 to Revise 4.17.1, 4.17.2 and 4.17.3

_______ AGREE _______ DISAGREE* _______ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

The submitter suggests that the “Statement of Exceptions” provision in the standard should be modified in recognition of the exclusive authority that each state has to regulate the requirements for ambulances that operate within its own jurisdiction. This argument misses the point of this provision. The Committee recognized during discussion of this provision that each jurisdiction having authority may choose to exercise that authority to specify that the ambulance be designed and equipped however it deems appropriate. Compliance with the NFPA standard is, of course, completely voluntary, but to the extent that a purchaser wishes to have an ambulance that is “compliant with NFPA 1917,” then that ambulance must, at a minimum, be designed and equipped exactly as the standard requires – no less. To the extent that a purchaser wishes to have an ambulance which deviates from the NFPA standard in some way, or which complies with some parts of the standard but not with others, then such a decision is totally their choice, however the vehicle will simply not be an NFPA 1917 compliant ambulance. Maybe they still want to buy ambulances built to the KKK specification. State EMS officials certainly have the right and authority to do that, and they may decide that such an ambulance is all they need, but the vehicle that results from that specification will simply not be NFPA 1917 compliant.

The Statement of Exceptions recognizes that along with these design decisions comes potential liability exposure, and this provision is intended to properly place the burden of intentional deviation from the NFPA standard upon authority having jurisdiction because, as the submitter correctly points out, that is where the responsibility for such a decision properly resides. A manufacturer who produces and sells ambulances will be held legally responsible for the product design forever, and in the event of an incident which results in products liability litigation, the appropriateness of the ambulance design will, in all likelihood, be judged in reference to the design standard that was most recognized as applicable at the time that the vehicle was manufactured – most likely, in my experience, the applicable national consensus standard – NFPA 1917. If the customer specified, and the manufacturer sold to that customer, an ambulance which did not comply with the applicable NFPA design standard, then the manufacturer would properly and understandably want to have written evidence that (1) the deviation from standard was required by the customer, (2) the manufacturer told the customer that the product was non-compliant and what need to be done to make it compliant, and (3) that the customer was informed that the vehicle should not be placed in emergency service until the non-compliant
aspects of the ambulance have been corrected. This doesn't necessarily take the manufacturer completely off the hook, but it would tend to place the legal burden of the non-compliant aspects of the ambulance design back on the entity who specified and required that it be built that way — as the submitter also correctly points-out. If that decision creates a liability problem for the jurisdiction which specified the ambulance, then in fairness, so be it. I see no reason why the manufacturer should be made to bear a design liability burden that properly rests with the authority which made the decision to deviate from the standard.

There is nothing about this provision that in any way detracts from the independence and exclusive authority of the states' EMS offices to regulate the design of ambulances for use in their jurisdictions. Indeed, a state EMS official or purchaser has the "right" and "authority" to specify that ambulances in their jurisdiction be made from wheeled pumpkins if they desire to do so. Such decision-making authority does not, and should not, affect in any way the judgment of this Committee regarding what should be the minimum design requirements that are necessary to achieve a reasonable level of safety. As a member of this Committee, recognizing the amount of thought and work and compromise that produced this initial ambulance standard, I personally hope that state EMS officials and ambulance purchasers will see the safety benefit of requiring that all ambulances fully comply with NFPA 1917, but I also recognize and acknowledge that they certainly may elect, in their discretion, to do otherwise. That is why the Statement of Exceptions is important. Because authority for such decision-making rests entirely with the state EMS officials and the purchaser, the ultimate responsibility for the effects of such decisions should properly, and in fairness, rest with those authorities as well.

For these reasons, I oppose the proposed TIA.

Question 2: I agree that the subject is of an EMERGENCY NATURE.

☐ AGREE ☑ DISAGREE* ☐ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

See explanation above.

Signature

JIM JUNEAU

Name (Please Print)

07 JAN 13

Date

Please return the ballot on or before Thursday, January 10, 2013.
Question 1: I agree with the TECHNICAL MERITS of the Proposed TIA 1088 to Revise 4.17.1, 4.17.2 and 4.17.3

__________ AGREE  _______ X _______ DISAGREE*  _________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

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After reading Jim Juneau's response and rereading what the submitter is asking, it seems Jim is correct. These changes would in effect reduce the standard to almost meaningless as well as placing the burden of compliance on the manufacturer instead of the authority that determined it does not what a 1917 complaint ambulance. Since the NFPA standard is voluntary and a minimum standard why do these sections need to be changed? Either you purchase a complaint ambulance or not. The states for years have not always followed all of the KKK requirements, but still required what they wanted and did not license the ambulance unless it meant the state requirements. The same can hold true here also, follow the 1917 standard and you have a complaint ambulance, do not follow 1917 and you do not have a complaint ambulance, the choice is up to the authority having jurisdiction. I do not think that we should approve this TIA.

Question 2: I agree that the subject is of an EMERGENCY NATURE.

__________ AGREE  _______ X _______ DISAGREE*  _________ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

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After further review I do not see that the TIA meets the emergency requirements for TIAAs. The development of the standard has been underway for over three years. If the group that is concerned with what is in the standard, did not submit proposals or comments about their objections to these areas prior to now, I do not see how it can be an emergency now.

Signature

________________________
Stephen Wilde

Name (Please Print)

________________________
January 16, 2013

Date
Question 1: I agree with the TECHNICAL MERITS of the Proposed TIA 1088 to Revise 4.17.1, 4.17.2 and 4.17.3

_______ AGREE  __________ DISAGREE*  ____X____ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

We have a contractual relationship with the NASEMSO and thus must recuse ourselves from this portion of the 1917 project work.

Question 2: I agree that the subject is of an EMERGENCY NATURE.

_______ AGREE  __________ DISAGREE*  ____X____ ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

We have a contractual relationship with the NASEMSO and thus must recuse ourselves from this portion of the 1917 project work.

__________________________
Signature

Richard Patrick

__________________________
Name (Please Print)

January 17, 2013

Date

Please return the ballot on or before Thursday, January 10, 2013.

PLEASE RETURN TO:
Yvonne Smith
NFPA
1 Batterymarch Park
Quincy, MA 02169

FAX: (617) 984-7056  E-mail: vsmith@nfpa.org
Question 1: I agree with the TECHNICAL MERITS of the Proposed TIA 1088 to Revise 4.17.1, 4.17.2 and 4.17.3

✓ AGREE  DISAGREE*  ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

Supporting documentation substantiates

Question 2: I agree that the subject is of an EMERGENCY NATURE.

✓ AGREE  DISAGREE*  ABSTAIN*

EXPLANATION OF VOTE - Please type or print your comments:

*An explanation must accompany a disagreement or abstaining position.

Supporting documentation substantiates emergency nature.

Brian Hicks
Signature

Brian Hicks
Name (Please Print)

1/10/13
Date

Please return the ballot on or before Thursday, January 10, 2013.

PLEASE RETURN TO:
Yvonne Smith
NFPA
1 Batterymarch Park
Quincy, MA 02169

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