NATIONAL FIRE PROTECTION ASSOCIATION
The leading information and knowledge resource on fire, electrical and related hazards

M E M O R A N D U M

TO: Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances

FROM: Sarah Caldwell, *Committee Administrator*

DATE: July 17, 2023

SUBJECT: NFPA 211 Proposed TIA No. 1733 **FINAL TC BALLOT RESULTS**

The public comment circulation has passed, therefore, according to Section 5.7(a) in the NFPA *Regs*, the final results show this TIA **HAS NOT** achieved the ¾ majority vote needed on both Ballot Item No. 1 (**Technical Merit**) and Ballot Item No. 2 (**Emergency Nature**).

29 **Eligible to Vote**
7 **Not Returned** (*Ahasan, Cross, Evans, McNulty, Priesing, Ryglewicz, Stegmeir*)

Technical Merit:

0 Abstentions
8 Agree *(w/comment: Dawe, Harper, Kulik, O'Neill, Savage, Sr.)*
14 Disagree *(Brania, Brewer, Brooks, DeBlasio, Feb, Grogan, Herrmann, Hersey, Hodges, Metzger, Pierce, Ray, Rucker, Ziegler)*

Emergency Nature:

1 Abstentions *(Page)*
8 Agree *(w/comment: Dawe, Harper, Kulik, Savage, Sr.)*
13 Disagree *(Brania, Brewer, Brooks, Feb, Grogan, Herrmann, Hersey, Hodges, Metzger, Pierce, Ray, Rucker, Ziegler)*

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative vote of ¾ of ballots received]. Both questions must pass ballot in order to recommend that the Standards Council issue this TIA.

(1) In all cases, an affirmative vote of at least a simple majority of the total membership eligible to vote is required.

[29 eligible ÷ 2 = 14.5 = **(15)**]

(2) The number of affirmative votes needed to satisfy the ¾ requirement is:
Technical Merit: (29 eligible to vote - 7 not returned - 0 abstentions = 22 × 0.75 = 16.5 = **17**)
Emergency Nature: (29 eligible to vote - 7 not returned - 1 abstentions = 21 × 0.75 = 15.75 = **16**)

Ballot comments are attached for your review.

The *Regs* at Section 1.6.2.(c) state: An appeal relating to a proposed Tentative Interim Amendment that has been submitted for processing pursuant to Section 5.2 shall be filed no later than 5 days after the notice of the TIA final ballot results are published in accordance with Section 4.2.6.

Appeal Closing Date for this TIA is **July 22, 2023**.

NFPA 211-Proposed 2024 Edition
Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
Log No.: 1733
Reference: 15.4.2.4
TIA Comment Closing Date: July 6, 2023
Submitter: Robert Harper, Hearthman Specialties
www.nfpa.org/211

1. Delete paragraph 15.4.2.4 as follows:

~~15.4.2.4 the requirement to inspect all chimney flues and all flue liners in 15.4.2.3 shall be limited to the chimney flues and flue liners requested to be inspected.~~

Substantiation: The National Fire Protection Association is "…devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards." Further, the "NFPA 211 reduces fire hazards by ensuring the safe removal of flue gases, the proper installation of solid fuel-burning appliances, and the correct construction and installation of chimneys, fireplaces, and venting systems." This request for TIA is made as a proposed revision in the 2024 Standard 211 is counter intuitive to the mission of the NFPA and the 211 Standard.

For more than 20 years the chimney service industry has reduced loss through complete and accurate chimney and venting system inspection utilizing chapters 14 & 15 of the NFPA 211 as the industry standard for inspection. The true extent and scope of prevented losses cannot be measured, as the losses did not occur.

A revision in the Chapter 15 of the 2024 Standard 211 stands to create and result in the real potential of increased loss, as the standard will now limit inspection scope. In short, the standard will no longer require inspection of certain chimney components critical to safety. The revision consists of an added subsection in section 15.4 of Chapter 15. This new subsection for inclusion in the 2024 Standard 211 is as follows:

- ***"15.4.2.4** the requirement to inspect all chimney flues and all flue liners in 15.4.2.3 shall be limited to the chimney flues and flue liners requested to be inspected"*

As written, the language in the new subsection, 15.4.2.4, presents multiple concerns, including to homeowners, the chimney service industry and chimney service professional's ability to prevent loss. By specifying that less of the chimney system is required to be inspected during a Level 2 Inspection, less of the chimney system will be inspected. By inspecting less, a very natural result will be loss. While it can't yet be predicted, calculated or measured, resulting losses that are a direct result of less of an inspection scope, can be categorized as losses that were potentially preventable through the scope of the Inspection chapter of the Standard as it's been written and utilized for over 20 years.

By not requiring inspection of all enclosed flues, and allowing the client to request and determine the scope, 3 of the resulting very real concerns include the following:

1. Many chimney service professionals that inspect chimneys also perform repairs to those systems. Where the professional does not perform repairs, there is still a recommendation provided to the client to have certain repairs performed. Many chimney repairs to one flue in a multi-flue chimney, will impact additional flues in that same chimney. The condition and/or installation method of additional flues in the same chimney often also affect repairs and repair recommendations. Not having necessary information on the condition and installation methods of adjacent flues may result in insufficient repairs, damage to uninspected flues and/or unmitigated hazards in the system.
2. When allowing the client to request that only certain flues are inspected, hazards may again go unmitigated. For a variety of reasons a client may believe that their additional flue or flues are free of deficiencies. When in reality, and in many cases, deficiencies and hazards are present, and the client is simply unaware of the actual condition of an additional flue. An opportunity to prevent loss is waived by the client and missed, making the client assume the role of chimney service professional, while lacking the education and training that backs the chimney service trade.
3. Limiting the examination of additional flues to only those requested by the client, is in stark contrast to the inspection chapter requirements of the Standard as written for the last 20+ years. This results in an increased liability to the chimney service professional, as the Standard would now "allow" and even direct the professional to complete less, when they previously always completed more, as specified by the Standard. At the same time, the inspection chapter of the 2024 Standard would now provide new language that is in conflict with existing language that is not changing, resulting in the burden on the professional to make interpretations which may or may not be in compliance with the intent of the Standard.

I have agonized and studied the current proposal and have concluded this section change simply represents too much opportunity for abuse, misuse, missed safety issues and a reduction in the general fire and life safety assurance intended by model codes and standards.

To illustrate this intent of model codes, in addition to the NFPA mission statement above, I will reference the **International Residential Code, R101.3 Intent**. *"The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.*

**The intent of the code is to establish regulations providing for safety, health, and general welfare of building occupants, as well as for fire fighters and emergency responders during building emergencies. The intent becomes important in the application of such sections as Sections R102, R104, and R113, as well as any enforcement-oriented interpretive action or judgement. Like any code, the written text is subject to interpretation. Interpretations should not be affected by economics or the potential impact on any party. The only considerations should be occupants' safety, protection of occupants health and welfare, and emergency responder safety."*

While NFPA 211 in and of itself is not a model building code but a standard, it is referenced in most model building codes and virtually every combustion appliance's installation instructions.

To water down or soften 211 is to do the same to the adopting model codes and possibly to the listed instructions of combustion equipment.

When the circumstances of a Level II inspection are examined, it becomes readily apparent one of the main applications is for real estate sale or transfer. Should level II inspections be allowed to deliberately skip relevant, often critical aspects of any individual chimney, the net effect is to reduce the public trust and welfare. As the Standard stands, there has not been a viable means of separating selected portions of a chimney to the total exclusion of the whole without inherently missing critical elements.

In short, to exclude one or more flues in a single chimney is to perform a partial inspection. There is no honest way to assure the client that chimney does not present a reasonable degree of risk from harm, structural compromise, show signs of significant wear, deterioration, or damage that could result soon in either some type of failure of the chimney to perform its functions, or other occult signs or damage. Significant signs of failure or impending failure may be present only in the section excluded. This allows for an inspector to provide a false sense of security to the client. It also fails the public trust as noted above.

I have personally seen many times where I was called for a level II inspection with the intent to examine just one flue in a chimney where visualization of the adjacent flue revealed major breeches and failure that were significant and relevant to the flue of primary concern. One example is where a heater flue was relined with a metallic flexible liner around the smoke chamber of a fireplace. The wythe wall separating the fireplace smoke chamber from the heater flue was inadequate and breeched resulting in a large gap that allowed byproducts of combustion to enter the concentric space around the heater liner in a space inaccessible for inspection or cleaning and unapproved for venting. Another is where visualization of one flue reveals a metallic liner visible across the open mortar joints of both flues, which is unacceptable. This would be missed by inspecting the one instead of the whole.

One analogy to this concept might be to equate this proposal to allowing patients to dictate to doctors what tests to run and what items on a physical examination to perform. Who is the expert here?

Another case could be where a seller is aware of a hidden or occult defect in one flue and lures the buyer into accepting a partial inspection to avoid costly repairs or possibly endangering the sale.

Once a partial inspection has been reported, there is a high probability someone will mistake or misuse the report as comprehensive and refer to the whole chimney as “having passed inspection”. Thereafter, decisions may be made based upon faulty information inferred from the news of a professional inspection. These partial inspections can be used to form the basis of a decision on the suitability, fire worthiness and durability of a chimney even though one or more flues may have been excluded. There is no reasonable way to mark said flues as being uninspected and therefore should not be assumed or inferred as suitable for a particular application.

Note the Standard still does include inspecting the smoke chamber, fire chamber and other aspects of the chimney. The change simply allows for the exclusion of selected “flues”. How does an inspector comment on a smoke chamber but not the attached flue?

The desire to limit inspections does carry basis in the additional time, writing, and economic costs to include all flues. There is also a question as to how one can separate liability in such an instance. Since the inspection of all attached flues has been in existence for 20 years, it has become the **Standard of Care.**

We have to ask ourselves who benefits from this reduction in care? The client? Those who would have cause to enter the property? The inspector? Where does the public trust and public good lie? I think that is unresolved in this matter.

Therefore, we need to consider that other stakeholders were not part of this process and may not have been made aware that our changes affect their standards and manufacturers installation instruction manuals. Perhaps we should contact more stakeholders for public comment before proceeding. It just seems we may have disenfranchised a segment of the market.

In short, I think this issue was rushed and needs more study and debate. There may be a way to separate sub-units of a chimney but as it stands, I think this is premature. I ask that a TIA be granted so the Appeals committee can study the matter further. -BH

As indicated, this request for a TIA is for the deletion of 15.4.2.4 in the 2024 Standard 211

Emergency Nature: The NFPA Standard contains a conflict within the NFPA Standards or within another NFPA Standard. The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification of the action.

If the 2024 Edition of the NFPA 211 is published without the requested TIA and deletion, the Emergency Nature includes multiple characteristics, the most critical being an immediate risk to the public and public safety. Without the TIA and deletion, the 2024 Standard 211 will require less scope during the course of Level 2 Chimney Inspection, and less scope during inspection will result in less hazards detected, with less hazards detected resulting in an as yet incalculable but equally inevitable increase in loss. An additional characteristic that is of an emergency nature is the conflict created for the Chimney Service Professional and others performing Level 2 Chimney Inspections. Publication of the 2024 Standard 211 without the TIA and deletion will result in a standard with direct conflicts within chapter 15, and with a specification to perform less than what has been required by the standard for more than 20 years. We need to ensure the Standard provides a reasonable degree of safety from risks of hazards, both known and that may be uncovered by a comphrehensive inspection. Weakening any Standard may result in increased risk to the public and a dilution of the intent of having a Standard. See supporting letter from 211 Cmte. Member Eric Adair. -BH

NFPA 211 TIA No. 1733 Ballot Final Report
Election:211_A2023_CHI_AAA_Log1733_Ballot
Results by Revision

QUESTION No. 1: I AGREE with the TECHNICAL MERITS of the Proposed TIA Log No. 1733 to NFPA 211, to delete paragraph 15.4.2.4.

Eligible to Vote: 29
Not Returned : 7
Paul B. Stegmeir,Jonathan E.
Cross,Timothy
McNulty,Robert A.
Priesing,Brian
Ryglewicz,Mohammad
Ahasan,Marvin Evans

Vote Selection	Votes	Comments
Agree	8	
Michael L. Savage, Sr.		It does appear that the removal of the sentence has created an issue whereas an owner may be placed in a position to "selectively" choose which parts of the system to be inspected.
Marek Kulik		I will reduce hazard to public
Anthony R. O'Neill		Assures additional safety
Nicholas A. Dawe		At this time, I agree with TIA Log No.: 1733, and think all parts should be inspected.
Harold L. Ornstein		I AGREE with the TECHNICAL MERITS of the Proposed TIA Log No. 1733 to NFPA 211, to delete paragraph 15.4.2.4.'.
Keith Page		I agree.
Robert D. Harper		Ditto my long winded TIA request. I think this is a complex issue that holds merit but deserves a more in-depth discussion. I think the sequelae of missed inspections was glossed over.-BH
Eric Adair		Agree

Disagree	14	
James P. Brewer		I disagree with this recommendation to delete new section 15.4.2.4. The new section allows common sense decisions about which flue systems the client wants to have inspected. The original proposal that led to this new section was submitted by the National Chimney Sweep Guild due to requests of members because the standard currently requires the inspection of all flues within a chimney even if they are not in use. Many homeowners with multiple systems contained within one chimney structure only use one of the systems and have no desire to use others. Why should the Inspection Standard require inspection of systems that the client has no interest in using? By requiring more than the client needs or wants we might actually reduce the number of inspection that get done. The committee gave ample consideration to this proposal and it was subject to the normal review and public comment period. I believe this section should stand as currently approved.
Vickie Hodges		I do not believe this was overlooked. An agreement was made on the language in 15.4.2.4 with little to no objections in the meetings.
Dale D. Hersey		I disagree with TIA. if a building has multiple flues and only one is coming into question then that should be the one inspected and no others unless specifically requested.
Randy Brooks		The TIA I believe to be inflammatory in nature. The author of the TIA (Committee member Bob Harper) was not only present at the first draft meet that this specific issue was discussed, but said nothing. Furthermore, Harper didn't even submit a ballot rejecting the changes> TIA's are required to have two committee members consulted and supportive of any changes. "Eric Adair" was a member in the previous cycle but not this cycle. This should disqualify the TIA. The inflammatory is the insinuation that the currently supported changes will put the public in harms way even projecting lose of life if changes are not made. In support of the dozens of volunteer committee members who actually "did the work," this is insulting to the professionalism of this committee.

Dale W. Feb	I disagree with this TIA request for the following reasons. It is common on the east side of our continent to share a masonry chimney structure with a neighboring dwelling. Section 15.4.2.3 (15.4.2.4) as published in the 2019 edition would require that we mandate the neighbor to pay for an inspection because we are in process of inspecting his or her neighbor's chimney flue. Even if all of the flues within a single masonry chimney were owned by an individual, it is unrealistic for a Standard to mandate a cost to anyone. The homeowner's ability to pay for ANY service or repair may be limited due to cost or future intent for use. The homeowner may intend to not operate certain fireplaces or chimney systems as desired. An example might be an old appliance flue that has been abandoned due to the replacement with a direct vent or electric system or a new vent system that was relocated outside the original chimney. Regardless of the fact that all active fireplaces, flues, or vent systems should be inspected for the safety of the general public, there is no means for legal enforcement by a local jurisdiction to force the Homeowner to act. Furthermore, the physical act of the inspection does not guarantee proper assessment and appropriate corrections methods or materials. Even after meeting the NFPA 211 Standard, the final results are up to the individual within the Hearth Industry. Note that there is a huge variance in the knowledge level and application by these professionals. Another concern regarding a mandate for all flues within one chimney which is also somewhat related to ALL chimneys within single dwelling, is that the homeowner, occupant, or client always has the final say as to how many and which systems are to be inspected. If we attempt to enforce that ALL are inspected, then there is a chance that none will be inspected due to the cost. This creates a greater risk for the development of creosote, unidentified defects, chimney fire, structure fire, and personal injury. I think it should be noted that None of the NFPA Standards, Guidelines, or Documents were ever intended to be sales tools. It is up to the individual and/or company to educate the clients on best practices by our industry for the safety of the dwelling and occupants. As a recognized expert and fire investigator, I have no knowledge of any fire loss, injury, or death as a result of the failure to inspect ALL chimneys within the same structure. I do have experience with those losses that were improperly inspected and resulted in fires and fatalities.
Thomas A. Pierce	I disagree. The final option should be left up to the customer how they want to spend their money. Document the issues and advise.
Michael DeBlasio	I believe it is paramount that all the aspects of a chimney inspection not be dictated by the consumer

Robert A. Rucker	The comment for both questions is, number one, that this is not seen as an emergency and, number two, it should be discussed by the full committee before proceeding with anything.
Brian Ziegler	I align with members that feel the change was addressed properly and the consumer should have a say regarding the chimneys they are using or not.
Leo Herrmann	This matter was debated on two occasions during technical committee meetings. Many multi-flue masonry chimneys are shared between residences. Requiring the inspector to inspect the adjacent flue, and connected appliance is impractical when access to the adjoining home is unavailable. Inspecting single residences with multiple flues in a masonry chimney takes a considerable amount time. The client may not opt to spend the money to have unused flues inspected. Requiring the inspector to inspect those flues is unfair to the inspector. I do agree on the safety aspects detailed in the TIA and if deficiency is identified during the course of a Level 1 or 2 inspection, the defect must not be ignored and should be included in the report. The client, or the neighbor should decide on whether they choose to have additional inspections completed. The inspector should only be obligated to inspect the system requested but if a decayed heating system flue or a fire hazard is visually observed, it should not be ignored and must be included in the inspection report.
Jonathan Brania	Disagree
Todd Metzger	The substantiation provided for TIA No. 1733 is inconsistent with the intent and substantiation provided by the Committee Statement for Resolution FR-17-NFPA 211-2021, the Committee Statement provided to Public Input Comment No. 11-NFPA 21-2022, and the Committee Statement provided to Public Input Comment No. 4-NFPA 21-2022. The revised standard's language does not preclude or eliminate reporting of observed/detected deficiencies. The revised language does attempt to clarify the requirements for inspections of systems that access may or may not be available to OR are or are not within the control of the inspection, property owner, etc.
Larry Grogan	If a person has a problem with one of their fireplaces in their residence then they can have a level 2 inspection on that unit without having to pay someone to inspect all their chimneys in their house unless during that inspection it is determined that one of the other chimneys is contributing to the initial problem. I don't feel this paragraph would stop a level 2 inspection of all the chimneys in a house during a sale of the residence or other reasons for the inspection.

Shaun Ray		This item was added to 211 with no objection during committee meeting.
Abstain	0	

Question No. 2: I AGREE that the subject is of an EMERGENCY NATURE for one or more of the reasons noted in the Instructions box.

Eligible to Vote: 29
Not Returned : 7
Paul B. Stegmeir,Jonathan E. Cross,Timothy McNulty,Robert A. Priesing,Brian Ryglewicz,Mohammad Ahasan,Marvin Evans

Vote Selection	Votes	Comments
Agree	8	
Michael L. Savage, Sr.		It does appear that the removal of the sentence has created an issue whereas an owner may be placed in a position to "selectively" choose which parts of the system to be inspected.
Marek Kulik		I will reduce hazard to public
Anthony R. O'Neill		Number C
Nicholas A. Dawe		At this time, I agree with TIA Log No.: 1733, and think all parts should be inspected.
Michael DeBlasio		Agree
Harold L. Ornstein		D. The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.

Robert D. Harper		I feel this is an emergency issue based upon Item B. The NFPA Standard contains a conflict within the NFPA Standard or with another NFPA Standard. See my TIA for my full opinion. This matter crosses over numerous spheres including those outside of NFPA or the model building codes.-BH
Eric Adair		F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.
Disagree	13	
James P. Brewer		I disagree that there is an EMERGENCY to correct the standard. The new section should be included in the next edition of NFPA 211. This new section was given ample public review through the normal NFPA process and there is no need to eliminate it before it is even published.
Vickie Hodges		I do not believe this is an EMERGENCY and cannot be presented in the future to go through the normal standard process.
Dale D. Hersey		I do not see the emergency nature of this request
Randy Brooks		The TIA I believe to be inflammatory in nature. The author of the TIA (Committee member Bob Harper) was not only present at the first draft meet that this specific issue was discussed, but said nothing. Furthermore, Harper didn't even submit a ballot rejecting the changes> TIA's are required to have two committee members consulted and supportive of any changes. "Eric Adair" was a member in the previous cycle but not this cycle. This should disqualify the TIA. The inflammatory is the insinuation that the currently supported changes will put the public in harms way even projecting lose of life if changes are not made. In support of the dozens of volunteer committee members who actually "did the work," this is insulting to the professionalism of this committee.
Dale W. Feb		As a recognized expert and fire investigator, I have no knowledge of any fire loss, injury, or death as a result of the failure to inspect ALL chimneys within the same structure. I do have experience with those losses that were improperly inspected and resulted in fires and fatalities. As an inspector, I fail to see the "ALL" requirement (Section 15.4.2.3 2019 edition) enforced or attempted to be enforce by the majority of the hearth inspectors on the west coast.

Thomas A. Pierce		Again document and advise. The customer holds the purse. NFPA 211 is not here to enrich the chimney sweep community. Safety above profit.
Robert A. Rucker		The comment for both questions is, number one, that this is not seen as an emergency and, number two, it should be discussed by the full committee before proceeding with anything.
Brian Ziegler		I disagree that this was an emergency
Leo Herrmann		The matter was discussed at the committee meeting.
Jonathan Brania		Disagree
Todd Metzger		The substantiation provided for TIA No. 1733 is inconsistent with the intent and substantiation provided by the Committee Statement for Resolution FR-17-NFPA 211-2021, the Committee Statement provided to Public Input Comment No. 11-NFPA 21-2022, and the Committee Statement provided to Public Input Comment No. 4-NFPA 21-2022. The revised standard's language does not preclude or eliminate reporting of observed/detected deficiencies. The revised language does attempt to clarify the requirements for inspections of systems that access may or may not be available to OR are or are not within the control of the inspection, property owner, etc.
Larry Grogan		I don't feel that this is an emergency.
Shaun Ray		Disagree that the addition to 211 resulted in an emergency nature. It can be addressed at the next standards cycle.
Abstain	1	
Keith Page		I have no basis if this is considered urgent, but i suppose awaiting for the next cycle would be possibly too long.

A. The standard contains an error or an omission that was overlooked during the regular revision process.

B. The NFPA Standard contains a conflict within the NFPA Standard or with another NFPA Standard.

C. The proposed TIA intends to correct a previously unknown existing hazard.

D. The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.

E. The proposed TIA intends to accomplish a recognition of an advance in the art of safeguarding property or life where an alternative method is not in current use or is unavailable to the public.

F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.