OVERVIEW
Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, made appointments to the Product Approval Validation Work Group and they are listed below. Members are charged with representing their stakeholder group’s interests, and working with other interest groups to develop a consensus package of recommendations for submittal to the Florida Building Commission.

Chairman Rodriguez appointed a workgroup, per legislative assignment, to review the issue of third party validation and report back to the Commission. The Chair assigned Jeff Blair to work with DCA staff to conduct the meetings.

Chairman Rodriguez stated that the purpose and charge for the Product Approval Validation Workgroup is to review the role of the third party validators in the product approval process, and to make recommendations back to the Commission regarding to what extent the validators should review the technical documentation substantiating compliance with the Florida Building Code. The Chair instructed, that the review the Workgroup is charged to conduct is not related to the Commission’s contracted administrator’s role, and that the administrator’s role is and remains under the purview of the Product Approval POC and the Commission.

The Florida Building Commission shall convene a workgroup composed of at least 10 stakeholders in the state system of product approval, which may include a maximum of three members of the commission to ensure diverse input. The workgroup shall study the recommendation that the state be served by a single validation entity for state approval, which study shall include, but not be limited to, the recommendation's feasibility, qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator. The workgroup shall conduct its proceedings in an open forum subject to comment from the public at each meeting.

As required by 2005 legislation, the Florida Building Commission convened a workgroup composed of 10 stakeholders in the state system of product approval including three members of the Commission, to ensure diverse input. The workgroup studied the PAWG’s and Commission’s recommendation that the state be served by a single validation entity for state approval. The PAVWG’s recommendations include, but are not limited to, the recommendation's feasibility, qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator. The workgroup conducted its proceedings in an open forum subject to comment from the public at each meeting.
The PAVWG recommended the following:

The Florida Building Commission convene a process to work with stakeholders to review and develop consensus recommendations regarding the validation requirements/details for each of the four compliance methods, the degree of technical review required for the compliance options, and a review of the validation requirements for the certification agency compliance method.

The Committee concluded, that after addressing the various aspects of the study outlined in SB 442, in order to make a consensus recommendation on the threshold “single validation entity” issue, the technical requirements of validation should be assessed first, and pending the results a better informed recommendation could be rendered.

The PAVWG recommended that the Commission report to the Legislature, that the Commission is working with stakeholders to develop additional clarifications and/or requirements related to validation, and will report their recommendations regarding the “single validation entity” to the 2007 Legislature.

The revised scope for the Workgroup, based on the Commission’s December 2005 vote that the State is not served by a single validation entity for state approval, is to work with stakeholders to review and develop consensus recommendations regarding the validation requirements/details for each of the four compliance methods, the degree of technical review required for the compliance options, and review the validation requirements for the certification agency compliance method.

Members and Representation

Architects
Larry Schneider

Contractors
Ed Carson

Evaluators
Jon Hill and Sig Valentine

Building Officials
Bill Dumbaugh and Herminio Gonzalez

Engineers
Jimmie Buckner

Product Manufacturers
Craig Parrino and Randy Shakleford

Insurance
Do Kim
REPORT OF THE MAY 3, 2006 MEETING

Opening and Meeting Attendance
Jeff Blair, Commission Facilitator, opened the meeting at 1:05 PM, and the following Workgroup members were present (all 10 members were present): Jimmy Buckner, Ed Carson, Bill Dumbaugh, Herminio Gonzalez, Jon Hill, Do Kim, Craig Parrino, Larry Schneider, Randy Shakleford, and Sig Valentine.

DCA Staff Present
Rick Dixon, David Littlejohn, Mo Mandani, and Betty Stevens.

Meeting Facilitation
The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: http://consensus.fsu.edu/

Project Webpage
Information on the project, including agenda packets, meeting reports, and related documents may be found at the project webpage: http://consensus.fsu.edu/FBC/pavwg.html

Agenda Review
Jeff Blair reviewed the agenda with members and the public. The Workgroup voted unanimously, 9 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

• To Approve Regular Procedural Topics (Agenda and Report)
• To Review Current Provisions of Rule 9B-72 Related to Validation
• To Hear a Presentation on Validation from System Administrator
• To Hear a Presentation from UL on Validation Requirements—Certification
• To Hear a Presentation from Keystone on Validation—Certification
• To Hear a Presentation from ANSI on Validation
• To Hear a Presentation from Miami-Dade County on Validation
• To Consider Recommendations Regarding Proposed Validation Checklist and Process
• To Identify Issues and Options for Evaluation
• To Identify Assignments and Document Needs
• To Consider Public Comment
• To Discuss Next Steps and Agenda Items for Next Meeting

Approval of February 7, 2006 Facilitator’s Summary Report
The Committee voted unanimously, 9 - 0 in favor, to approve the February 7, 2006 Facilitator’s Report as presented.
Overview of Current Rule Requirements Related to Validation
Mo Madani, DCA staff, provided members with an overview of the current validation requirements in Rule 9B-72 (Product Approval) and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.

Presentation from System Administrator on Validation Review Requirements for the Four Compliance Methods/Options—and Criteria Recommendations
Ted Berman, Product Approval System Administrator, provided members with an overview of the current validation requirements for the four compliance methods with recommendations for enhancements, and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.

Presentation and Q&A from UL Regarding Validation by the Certification Method
John Wiggins, Underwriter Laboratories, provided members with an overview of UL’s certification program, and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.

Presentation and Q&A from Keystone Regarding Validation by the Certification Method
Jon Hill, Keystone Laboratories, provided members with an overview of Keystone’s certification program related to validation, and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.

Presentation and Q&A from ANSI Regarding Validation by the Third Party Certification Method
Sigi Valentine, representing ANSI, provided members with an overview of ANSI’s third party certification program related to validation, and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.

Presentation and Q&A from Miami-Dade County Code Compliance Regarding Validation Requirements
Jamie Gascon, Miami-Dade County Code Compliance, provided members with an overview of Miami-Dade County’s product approval program and its related validation requirements, and answered member’s questions. In addition members of the public were offered an opportunity to ask questions on the presentation.
Review of Issues and Identification of Options
Jeff Blair outlined the Workgroup’s scope, defined as reviewing the validation requirements of the four compliance methods (certification, evaluation by an architect or engineer, test report, and evaluation by an evaluation entity), identifying a range of options for consideration, evaluating the options, and developing recommendations for enhancements. Jeff explained that at the March meeting members and the public identified a list of issues, concerns, and options for the validation requirements of the four compliance methods, and the remaining task is to identify and evaluate a range of options for evaluation by the Workgroup.

Jeff Blair explained that for the remainder of the day, the Workgroup and public will be asked to identify all of the options they would like to have considered for the four compliance methods. The issue to be decided, is whether the Workgroup prefers to evaluate and rank the options on Thursday, May 4, 2006 (the next day) as scheduled, or would they prefer to have additional time to consider the options prior to evaluating them, and conduct the ranking exercise at the next scheduled meeting on June 1, 2006.

A straw poll was conducted and 6 members preferred to evaluate options on June 1, 2006, and 3 members preferred to evaluate options on May 4, 2006. Commissioner Carson, a Workgroup member, did not vote since he had to leave before the poll was taken. The public was asked the same question, and 8 members preferred to evaluate options on June 1, 2006, and 4 members preferred to evaluate options on May 4, 2006.

As a result of the straw poll, it was agreed that the Workgroup would not meet on May 4, 2006, and would conclude the PAVWG process at the June 1, 2006 meeting.

General Public Comment
Jeff Blair offered members of the public an opportunity to address the workgroup on any issue under its scope and purview.

Overview of Next Steps, Needed Items, and Agenda Items for Next Meeting
Jeff Blair agreed to compile a worksheet with all of the options listed by Workgroup members and members of the public during the May meeting, and e-mail the compiled worksheet to Workgroup members as well as post it to the project webpage. In addition, written options will be accepted by e-mail through Thursday, May 11, 2006, and included in a revised worksheet which will be provided at the June 1, 2006 meeting.

The process for evaluating options will be as follows: For each issue in turn, the Workgroup will be asked to review the range of options, propose additional options, seek clarification on the intent of each option, and then to evaluate each option using a four-point acceptability scale, where a 4 is acceptable, a 3 is minor reservations, a 2 is major reservations, and 1 is not acceptable.
Following the initial evaluation, Workgroup members will be requested to explain their range of concerns, and to identify any additional clarification needed in order to further consider the option. In general, a 4 or 3 represents support for the option, and a 2 or 1 represents a lack of support for the option.

The Workgroup will meet on June 1, 2006 in Tampa to evaluate the options for each of the four compliance methods. Those options that achieve a 75% favorable evaluation, defined as 75% or greater of 4’s and 3’s, will be submitted to the Commission as the Workgroup’s consensus recommendations.

The June 1, 2006 meeting will be the last meeting of the Product Approval Validation Workgroup, and will conclude the Workgroup’s Phase II process.

**Adjourn**
The Workgroup voted unanimously, 9 – 0 in favor, to adjourn the meeting at approximately 4:45 PM.

**OPTIONS IDENTIFICATION EXERCISE**
Jeff Blair offered Workgroup members and the public an opportunity to list all options related to product approval validation that they wished to evaluate. The proposed options are included in the Options Worksheet. Following are the proposed options:

1. Administrator’s minor recommendations.

2. Establish a check list for the certification method.

3. Develop check list for verifying manufacturer’s application by certification agency (Ted’s bullet points).

4. Make it mandatory that certification agencies responds to administrator’s request(s) for verification of an application.

5. Products approved by certification agencies shall require product validation as required in Rule 9B-72.

6. Establish mandatory training program for validator where the validator will be held accountable for their mistakes for not following the rule. A system for accountability of the validator (i.e., certification or contract with the )

7. Define validation as a limited technical review. List items, such as: that the correct test was done, calculations done to correct standard, but not check every calculation. If there is no standard in the code, then validation is a technical review of all substantiating documents. Will require rule 9B-72.080 change to redefine validation.
8. Disallow conditional approval and make reprimands for validators that validate incorrect applications.

9. Test labs should be taken out of the validation process.

10. Leave certifications out of the validation process.

11. With respect to evaluation reports issued by approved evaluation entities (NOAs and ICC evaluation reports) do not need validation (like the certification method).

12. The Workgroup should be looking at validation issues surrounding test report method of compliance and the evaluation issues by architects/engineers. Note: this is covered by two options in the worksheet: no validation requirements for certification, and no validation requirements for the evaluation entity compliance methods.

13. Remove the option of certification bodies validating installation instructions.

14. Certification method, certification agency to verify the application meets their certification.

15. Evaluations are for products that have been tested and do not conduct evaluations for products that have no test data.

16. Establish a time limit for products to be approved on the system.

17. Validation for test report method should be a technical review to verify that the tests demonstrate compliance with the building code that the correct test was done and that the test demonstrates compliance with the code.

18. Only one certification agency per application. (changing methods on the system)

19. Multiple certification agencies allowed per application.

20. If validation is defined as a technical review, then manufacturer’s engineer does not need independence.

21. Validator should submit application to system for the applicant.