FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL WORK GROUP

REPORT TO THE FLORIDA BUILDING COMMISSION

PACKAGE OF RECOMMENDATIONS FOR REVISIONS TO THE PRODUCT APPROVAL SYSTEM

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FLORIDA BUILDING COMMISSION

REPORT PRODUCT APPROVAL WORK GROUP’S UNANIMOUS RECOMMENDATIONS TO THE FLORIDA BUILDING COMMISSION

RECOMMENDATIONS FOR STATUTORY CHANGES/AUTHORIZATION RELATED TO THE PRODUCT APPROVAL SYSTEM

The following package of recommendations was unanimously adopted by the Workgroup.

1. SCOPE OF THE RULE

PRODUCTS THAT ARE SUBJECT TO PRODUCT APPROVAL

Limited to products and systems which comprise the building envelope and structural frame, for compliance with the structural wind load requirements of the Florida Building Code as related to Rule 9B-72.

(Add scoping language to clarify that the Rule applies to wind related structural properties of the eight (8) product categories listed in law; and, amend subcategories of the covered products to eliminate products outside the defined scope.)

2. LOCAL PRODUCT APPROVAL

Clarify in the Rule that local approval may be accomplished by one of five ways, the four compliance methods (certification mark or listing, test report, evaluation report by evaluation entity and evaluation report by A or E) currently in the Rule, or by state approval using Commission approved entities, or may be validated by the local AHJ.

Products demonstrating compliance shall be manufactured under a Q.A. program audited by an approved Q.A. entity.

Determine and require the necessary criteria for the evaluation of the above documents be provided for review of the approval.

Products bearing a certification mark or listing or label by an approved certification agency require no further documentation to establish compliance.

Local building officials may accept modifications to products or their installations provided sufficient evidence is submitted to the local building official to demonstrate compliance with the Code or the intent of the Code, including such evidence as certifications from a Florida Registered Architect or Florida Professional Engineer.
Eliminate the mandatory checklist required for local product approval.

Eliminate the application form, and use the criteria currently in the form as list of minimum submittal criteria required for product approval application.

3. **EVALUATION—INSTALLATION INSTRUCTIONS**

Require installation instructions for all compliance options, including attachments requirements.

Manufacturer installation instructions shall be generated by an evaluation entity, test lab or by a manufacturer’s licensed design professional.

Prior to the manufacturer posting installation instructions (including anchorage requirements) on the BCIS, they shall be reviewed or verified by the one of the following: certification agency, evaluation entity, test lab or by a manufacturer’s licensed design professional. Alteration of installations may be allowed by a Florida architect or engineer.

4. **EVALUATION—PRODUCT/MATERIALS EXEMPTIONS**

Seek statutory authority for the Commission to adopt by rule, an exemption from the (Method 1 and Method 2) evaluation requirements for products/materials that are subject to specification standards in the Florida Building Code.

5. **VALIDATION ENTITY**

Seek statutory authority to eliminate the third party validation entity in the validation process, and require the Product Approval System Administrator to conduct this function. The Commission will develop a set of criteria for reviewing each of the four compliance options.
I. WHICH PRODUCTS ARE COVERED IN THE RULE

A. Define which products should be subject to product approval.

1. Limited to products and systems which comprise the building envelope and structural frame, for compliance with the structural wind load requirements of the Florida Building Code as related to Rule 9B-72.

(Add scoping language to clarify that the Rule applies to wind related structural properties of the eight (8) product categories listed in law; and, amend subcategories of the covered products to eliminate products outside the defined scope.) Note:

2. Make exterior door components (not part of a door assembly) a subcategory under exterior doors. (DCA04-DEC-157)

B. Definition of Structural Components

1. Structural component means any part or assembly of a building or structure that comprise the main wind force resisting system and components and cladding.

Add language to the scope section of the Rule (9B-72.005) indicating that there are some exemptions to this provision of the Rule.

C. Clarify how pre-engineered buildings should be treated by Rule 9B-72 for standard (replicated) and custom (one-of-a-kind) buildings.

Summary of PAWG Action:
The Workgroup unanimously agreed that custom (one-of-a-kind) pre-engineered buildings are exempt form the Rule since they already require engineering for the approval process. The Workgroup unanimously agreed that the “Sheds” subcategory should be removed from the Rule.

D. Pre-engineered AC Stands

1. Add pre-engineered AC stands as a subcategory under the structural components category (consistent with the FBC’s declaratory statement decision).

E. Pre-engineered roof access hatches

1. Add pre-engineered roof access hatches as a subcategory under the exterior doors category (consistent with the FBC’s declaratory statement decision). (DCA04-DEC-161)
F. Wind Breaker sub-category of windows.
   1. Remove the wind breaker sub-category from the windows category of the Rule.

Summary of PAWG Action:
The Workgroup agreed to recommend removing this sub-category from the Rule.

G. Railing sub-category of structural components.
   1. Remove the railing subcategory from the structural components category of the Rule.

Summary:
The Workgroup unanimously agreed to recommend removing this sub-category from the Rule.

II. EVALUATION

A. Requiring Installation Instructions For All Compliance Options.
   1. Require installation instructions for all compliance options, including attachments requirements.

B. (i) How are installation instructions reviewed and approved through the product approval process and put on the BCIS?

   Manufacturer installation instructions shall be generated by an evaluation entity, test lab or by a manufacturer’s licensed design professional.

   Prior to the manufacturer posting installation instructions (including anchorage requirements) on the BCIS, they shall be reviewed or verified by the one of the following: certification agency, evaluation entity, test lab or by a manufacturer’s licensed design professional. Alteration of installations may be allowed by a Florida architect or engineer.

(ii) How does this (installation instructions) affect signed and sealed for permitting purposes?

Summary:
The Workgroup agreed that DCA legal will need to research whether a Florida registered architect or engineer is required for a manufacturer to provide typical installation details in the product’s approval, or whether they can be provided by their own design professionals, who may not be Florida registered.

The second issue is to provide clarification that a Florida registered architect or engineer is allowed to make modifications to the installation instructions, and approval is allowed for alternate installation methods other than those provided in the product’s approval documentation.
C. What specific criteria should be required for identifying product limitations of use.

1. Identify and require specific criteria for limitations of use by wind zones/HVHZ.

Summary:
A product shall be required to list as one of its limitations whether it is intended for use in the HVHZ.


1. Upon submittal of the application, the manufacturer shall provide certification of equivalency by the evaluator, standards writing organization, testing lab accredited to tests both standards or for a Florida architect or engineer for review by the Commission. (Staff will maintain a list of Commission approved equivalent standards.)

Develop a method for recognizing equivalency of standards (9B-72.180).

E. Clarify in Rule the procedure for job specific approvals of products covered by the Rule (when the product is not to be used consistent with its approval).

1. Local building officials may accept modifications to products or their installations provided sufficient evidence is submitted to the local building official to demonstrate compliance with the Code or the intent of the Code, including such evidence as certifications from a Florida Registered Architect or Florida Professional Engineer.

F. Clarify whether evaluation reports/certifications based on standardized tests adopted by the Code have to be tested by an approved test lab.

1. When the code requires a standardized test as a component of a product approval using the evaluation report or certification compliance method, the test lab must be accredited by an approved accreditation body. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.
G. Clarify that rational engineering analysis can not be used in lieu of a standardized test required by the Code for approval of products within the scope of the standard. (Note: except for local project specific product approval in accordance with alternate methods and materials authorized in 103.7 of the FBC.)

Summary of PAWG Action:
Provide clarification in the Rule.

H. Clarify that a legacy evaluation report from an nationally recognized model code organization may be used if it shows compliance with the Florida Building Code.

I. Exemptions for evaluation requirements for products subject to prescriptive specification standards found within the Code.

I. Seek statutory authority for the Commission to adopt by rule, an exemption from the evaluation requirements for products/materials that are subject to specification standards in the Florida Building Code.

J. Evaluation by Architects and Engineers.

1. (4) Evaluation Report and Test Report Documentation Requirements. All reports and documentation required in subsections 9B-72.070(1) and (2), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information.

   (a) Name and address of the manufacturer, evaluation entity, engineer or architect or testing laboratory.
   (b) Statement of compliance with the appropriate section or standard of the Code.
   (c) Complete description of the product, construction method or building system including all drawings, manufacturers product designation, and materials, except materials specifics identified as proprietary.
   (d) Technical documentation, including all substantiating data, supporting the compliance statement. Substantiating data shall include all test reports and calculations which may be referenced within the report.
   (e) Installation requirements.
   (f) Limitations and conditions of use.
   (g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.
   (h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.
K. Resolve Discrepancies Between the Rule and Code for Product Labeling.

Summary of PAWG Action:
This issue is the subject of a complaint action and will have to be resolved at the POC level.

III. QUALITY ASSURANCE

A. Exemptions for third party quality assurance for certain products for both local and state approval.

1. Products that have prescriptive specification standards and Q.A. procedures as specified in the Code will be deemed approved. The Commission will seek statutory authority to exempt these products, and the product list will be developed on a case-by-case basis. (No list will be created at this time).

B. Third party Quality Assurance is not Required for Site Specific Shop Fabricated Curtain-Wall Systems, provided that system components have Q.A. as provided by the Rule.

C. Quality Assurance Entities.

1. Clarify in the Rule that Commission approved Certification Agencies are also approved as Quality Assurance Entities for the products covered by their certification program.

D. Clarify in Rule that Q.A. agencies that are ISO rated do require additional approval by the Commission.
IV. VALIDATION

A. Clarify in the Rule what Level of Review is Required for Validation.

1. Seek statutory authority to eliminate the third party validation entity in the validation process, and require the Product Approval System Administrator to conduct this function. The Commission will develop a set of criteria for reviewing each of the four compliance options.

V. QUALIFICATION OF ENTITIES (no proposed revisions)

VI. FEES

The Commission voted to charge a $300.00 fee for revisions to already approved products.

VII. LOCAL PRODUCT APPROVAL

A. How local product approval is accomplished.

1. Clarify in the Rule that local approval may be accomplished by one of five ways, the four compliance methods (certification mark or listing, test report, evaluation report by evaluation entity and evaluation report by A or E) currently in the Rule, or by state approval using Commission approved entities, or may be validated by the local AHJ.

Products demonstrating compliance shall be manufactured under a Q.A. program audited by an approved Q.A. entity.

Determine and require the necessary criteria for the evaluation of the above documents be provided for review of the approval.

Products bearing a certification mark or listing or label by an approved certification agency require no further documentation to establish compliance.

Local building officials may accept modifications to products or their installations provided sufficient evidence is submitted to the local building official to demonstrate compliance with the Code or the intent of the Code, including such evidence as certifications from a Florida Registered Architect or Florida Professional Engineer.

Eliminate the mandatory checklist required for local product approval.

Eliminate the application form, and use the criteria currently in the form as list of minimum submittal criteria required for product approval application.
VIII. BCIS (BUILDING CODE INFORMATION SYSTEM)

A. Enhancements to the BCIS Related to Revising Data on the System.

1. Authorize revisions to all data on an approved product. Adding a new product to an approved application should not be allowed in the revision process. Product revisions will apply to the same sub-category, and a revision history (tracking method) will be maintained.

2. Revision: A revision is a material change to the performance of the product. The BCIS should have fields that can be changed without a fee. Provide a revision number for all changes. Minor changes such as section number changes with no substantive changes may be made without a fee; however, the manufacture will be required to certify that the revision does not have a material or substantive change.

3. A form should be developed to allow the manufacturer to certify compliance with the 2004 Code. The certification will be posted to the BCIS and there will be a random auditing process to verify claimed compliance with sanctions including revocation. There is no fee if there is no change. All changes will require a revision number. Update code sections is not a revision. There will be a revision history. Minor changes such as section number changes with no substantive changes may be made without a fee; however, the manufacture will be required to certify that the revision does not have a material or substantive change.

B. Use the 8th product category language and insert it into each of the other sub-categories. Eliminate the“other” sub-category and provide language within each sub-category that recognizes new technology.

C. Add additional fields in the BCIS to standardize the formatting of the limits of use field.

D. Add help button to the system.

E. How Should the Rule Link Approved Certification entity labels with the State Approval.

1. Require the FL # to be cross-linked to the product in the BCIS.
IX. MISCELLANEOUS TOPICS

A. Terminology for State Approval.

   1. Replace statewide with state in the Rule.

B. Should there be a conditional or deferred application status on the BCIS?

Summary of PAWG Action:
This issue was referred to the Product Approval Program Oversight Committee (POC).

C. Define technical documentation.

Summary of PAWG Action:
This issue was referred to the Product Approval Program Oversight Committee (POC).

D. Define limitations of use.

For each of the product subcategories the minimum limitations of use must include whether the product is or is not for use in the HVHZ, wind speed, design pressure, and impact vs. non-impact.

E. Require that an e-mail notification be sent to the selected Test Lab, whenever an applicant uses a test report as a part of their product approval submittal.

F. Require that all test reports have a valid company name and address on them.

G. Local Approval of Products Denied by the Florida Building Commission.

   1. Do not allow local jurisdictions to approve products that have been denied for technical insufficiency by the Florida Building Commission without providing additional clarifying technical data showing compliance with the code.

   2. The explanation for denial shall be posted on the BCIS.

H. Add a new sub-category for structural to cover concrete and masonry anchors.