FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL WORK GROUP

REPORT TO THE FLORIDA BUILDING COMMISSION
INCLUDING RECOMMENDATIONS FOR STATUTORY
CHANGES

FACILITATOR’S REPORT OF THE FEBRUARY 8 - 9, 2005
MEETING IV

Ocala, Florida

Meeting Design & Facilitation By

Florida Conflict Resolution
CONSORTIUM

Report By Jeff A. Blair
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This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.
OVERVIEW

At the June 2004 Commission meeting, and at the request of stakeholder groups among them BOAF, the Florida Building Commission voted unanimously to convene a work group tasked with reviewing issues related to the local product approval process. In order to initiate the process, Chairman Rodriguez appointed 13 members to the group and tasked them with developing a package of consensus recommendations for consideration by the full Commission at their August 31, 2004 meeting in Miami.

At August 31, 2004 Commission meeting, the Chair indicated that after reviewing the report and recommendations from the Workgroup, and based on the Workgroup’s recommendations and the Commission’s discussions during the August 2, 2004 teleconference meeting, he decided to expand the charge of the workgroup to include developing recommendations for clarifications and refinements to the entire product approval system, for local and state approval. The Chair indicated that state and local approval are linked and should be reviewed together. He also decided to expand the representation on the workgroup to include roofing and exterior doors.

Chairman Rodriguez announced that the workgroup’s meetings will be a facilitated process, and there will be between 4 and 6 meetings, held approximately once a month.

The Chair appointed the following members to the group and charged them with representing their respective interest groups during the course of their meetings:

MEMBERS AND REPRESENTATION

Architects
Larry Schneider
Pete Tagliarini

Building Officials
Dale Greiner
Christ Sanidas
Ronnie Spooner

Certification Agencies
John Hill

Door Manufacturer
Tim Collum
Engineers
Steve Bassett

Evaluation Entities
Herminio Gonzalez

General Contractors
Ed Carson

Local Government
George Wiggins

Product Manufacturers
Dave Olmstead
Craig Parrino

Residential Contractors
Dick Browdy

Roofing Contractors
Chris Schulte

MEETING SCHEDULE

August 11, 2004  (Local Product Approval Workgroup)  Orlando
October 20, 2004  (Product Approval Workgroup II)  Orlando
January 11 – 12, 2005  (Product Approval Workgroup III)  Orlando
February 8 – 9, 2005  (Product Approval Workgroup IV)  Ocala
March 28 - 29, 2005  (Product Approval Workgroup V)  Orlando
April 20 – 21, 2005  Tentative
OVERVIEW OF WORKGROUP’S KEY DECISIONS

TUESDAY, FEBRUARY 8, 2005

Agenda Review and Work Group Plan Overview
The Work Group voted unanimously, 12 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for Meeting IV:

• To Approve Regular Procedural Topics (Agenda, Report, and Workplan)
• To Consider Issues in Turn and Identify Additional Options
• To Propose Options for Identified Issues
• To Evaluate and Rank Proposed Options
• To Refine Options Enjoying a High Level of Acceptability
• To Consider Public Comment
• To Adopt a Package of Statutory Recommendations for Delivery to the Commission
• To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting

Review and Approval of the January 11 - 12, 2005 Report
The Work Group voted unanimously, 12 - 0 in favor, to approve the January 11 - 12, 2005 Report as presented.

Member Attendance
The following members attended Meeting IV:


DCA Staff Attendance
Buster Case, Rick Dixon, Mo Madani, and Jim Richmond.

Facilitation
The meeting was facilitated by Jeff Blair.

Recess
The Work Group voted unanimously, 13 - 0 in favor, to recess at 6:00 PM.
WEDNESDAY, FEBRUARY 9, 2005

Agenda Review
The Work Group voted unanimously, 12 - 0 in favor, to approve the agenda as presented.

Adoption of Statutory Recommendations
The Work Group voted unanimously, 10 - 0 in favor, to adopt a package of recommendations on issues that require statutory authorization, and to submit the package to the Florida Building Commission at their March 2005 meeting.

Adjourn
The Work Group voted unanimously, 10 - 0 in favor, to adjourn at 1:00 PM.

Overview of Meeting Process
The facilitator prepared a worksheet for use during the meeting. The worksheet listed the issues and options as identified by Workgroup members and DCA staff.

Under each option there was a four-point acceptability ranking scale designed to gauge the level of support for each of the proposed options. The facilitator explained that members and the public were free to pose additional issues and to propose additional options for each of the identified issues. The following scale was used to gauge the level of support for each of the options:

<table>
<thead>
<tr>
<th>Acceptability Ranking Scale</th>
<th>4 = acceptable, I agree</th>
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<th>2 = not acceptable, I don’t agree unless major reservations addressed</th>
<th>1 = not acceptable</th>
</tr>
</thead>
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During the course of the meeting and prior to any acceptability ranking of options, members of the public were offered an opportunity to comment on each of the proposals evaluated by the Work Group in turn.

Members agreed that rather than deciding on specific language for revisions to rule and or law, they would reach agreement on key concepts related to each of the issues and allow legal staff to draft rule language for review at subsequent meetings. In addition to regular procedural actions, the Workgroup will make formal motions on their recommendations to the Florida Building Commission.
ASSIGNMENTS AND ITEMS NEEDED FOR THE NEXT MEETING:

• The Workgroup agreed that DCA legal should 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.
• Jim Richmond will prepare a rule draft based on the PAWG’s proposals.
• Staff will develop a list of proposed validation criteria for the Product Approval Administrator to use for each of the four compliance methods.
• The Product Approval POC will review the Administrator’s contract provisions and make recommendations regarding scope of services and possible changes to the contract based on the scope of services, including functioning as the validation entity.
• The Structural TAC will review and make recommendations on exemptions from the evaluation requirement for products/materials that are subject to specification standards in the Code.
• Craig Parrino will develop a proposal to define/clarify the terms “technical documentation” and “description of the product” for evaluation by architects and engineers.
• Do Kim will work with C. W. Macomber to develop a proposal on how non-conditioned appurtenant structures should be treated in the Rule (Issue: I. C.).
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.

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.
WORK GROUP’S EVALUATION OF ISSUES AND OPTIONS

Following are the acceptability rankings by for each of the options evaluated by Work Group members. In addition, member’s reservations are noted as comments.

During the meeting, members were asked to develop and rank options, and following discussions and refinements, to do additional ranking of the options as refined. The following scale was utilized for the ranking exercises:

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LOCAL PRODUCT APPROVAL AND ENFORCEMENT (Browdy Proposal)

Product Approval System Proposal (1 – 4 below):

The following proposal was evaluated by the Workgroup. The strikethroughs were modifications to the original proposal, and were designed to make the proposal more acceptable to members. The final (revised) ranking of the proposal is based on the proposal as modified by the strike language.

1. Eliminate local product approval for manufactured products. All required products (8 categories) used to construct the envelope of the structure must have statewide product approval. Exception: Assemblies may be approved locally under the authority of the building official i.e. door assemblies by local suppliers.

2. All required products (8 categories) will be submitted with permit documents. The products will be listed as follows:

<table>
<thead>
<tr>
<th>Product</th>
<th>Manufacturer</th>
<th>PA#</th>
<th>Limits of Use</th>
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</table>

3. The form will be followed by an affidavit signed by the contractor as follows:

“I certify that only statewide approved products will be used to construct this structure that are required to be approved under the product approval Rule 9B-72 and that these products have been installed in accordance with the approved manufacturer’s specifications.”

_________________________
Contractor License #

4. Building Officials will conduct random audits to determine the efficacy of the product approval program. Contractors who fail to provide evidence of compliance with the Rule will be sanctioned by the jurisdiction in which the structure was permitted.
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**Summary:**
The Workgroup thoroughly evaluated this option, and after extensive discussion and refinements, the proposal did not achieve a consensus level of support from the Workgroup. The main premise of the proposal was to require mandatory state approval for the 8 product categories.

**Member Questions and Discussion:**

1. Doesn’t a rejection of plans constitute sanctions?
2. This may already be in place and we don’t need to reinvent the wheel.
3. These type of sanctions can’t be done. It has to be done through some judicial process.
4. Fraud and willful violation are the only reasons for local sanctions against a builder.
5. Disciplining the contractor may not be the solution. What is the difference between manufactured products and non-manufactured products?
6. Doesn’t signing an application for a building permit do the same thing as the affidavit? Is this affidavit signed before or after the building is completed?
7. Maintain local jurisdictions ability to approve products at their discretion. The information required is minimal and should be easy to include in an application. Random audits should help the building departments and would only require a very small number of audits.
8. What would this do to M/D product approval system if this applies? We have a system established in 1957, it is proven that it works and M/D standards are proven and helping insurance companies in payouts.
9. This proposal should help M/D because they are part of the Florida Product Approval System. Was the intent to take local product approval away?
10. I can change my proposal to take out the term “eliminate” and give the locals the option of providing local product approval.
11. I don’t see that there is much difference between the proposal and what we’re doing now. We have a sheet that has to be completed listing these items.
12. This is currently optional for statewide approval and mandated for local approval. What about historic buildings? Many of their components would have to comply with statewide product approval. There would need to be exceptions in the affidavit.
13. If you have the ability of local product approval, your concerns will be addressed. The QA part of this is the random audit and will flush out the bad ones. The effort for the local building department will be less than it is now.
14. Change language to read, “At the option of the local jurisdiction, they may require all products...” I would eliminate the exception. This can be a jurisdictional policy.
15. I lean toward supporting this. These four items may go a long way in providing consistency. Each jurisdiction should be required to declare which way they would chose by a date certain.
16. Products are approved for their limits of use. There must be a method for variations to be approved at the local jurisdiction through engineering analysis or further testing.
17. As originally written, would be more correct. Keep it simple and give the local officials clarity for addressing local issues.
18. I want to eliminate the first sentence and the exception. But under one, add the language on page 17 item (2).
19. Insurance industry would like to see more consistency with product approval and this can work best with state approval.
20. Don’t eliminate local approval, locally assembled products would be affected.
21. Modifications of state approvals would be site specific only.
22. Change statewide to state approved products in the affidavit.
23. I’m concerned about the language dealing with certifying the product’s installation in accordance with the manufacturer’s approved instructions.
24. This eliminates the locals ability to deal with different situations (historic buildings). Certification statements opens up problems.

Public Comment:

25. Elimination of a local system will reverse the legislative intent. Local approval through the rule has imposed a work load on local jurisdictions. Locals are doing what they did in 1995 and are ignoring the rule.
26. This would require commercial hollow metal doors to be specified before permitting. These doors are tested with specific hardware which would have to be used on the permitted job.
27. This proposal will help locals enforcing the product approval rule. If the statute still includes the exemption for “custom” this would allow building departments another avenue. The affidavit is very good. Out of state engineers and architects don’t know about the product approval system. Expand affidavit to include design professionals.
28. M/D agrees with a lot of the comments including the comment by the FHBA. This would require manufacturers to conduct another step for using their products in our Miami-Dade County.
29. Why not amend the affidavit on the permit application to include the product approvals.
30. This proposal is good and could solve a lot of problems. This would eliminate the confusion for local building departments and this proposal will take care of that problem. The eight categories of products must be state approved. This should be beneficial to M/D including grand fathering in manufacturers that have M/D approval. I don’t need an affidavit and instead of a random audit, conduct spot audits of a certain number of permits including inspections and plans review. Change rule where locals can approve a product that has been rejected by the Florida Building Commission.
31. I disagree with the proposal in concept. It takes away the ability of a design professional to design a specialty product. We make 10 – 12 products like that and have had difficulty getting approval. There are no test protocols for a number of products. This process does not allow this to happen. There should be a way for locals to determine if a product is compliant or not.
32. I agree with FHBA. Commercial products are not addressed the way they typically get approved through shop drawings. Off shore products are a problem going through the state system. It may restrain commerce.
33. We are opposed to this proposal, but are in support of the items on the bottom of page 2 and that gets us to where we need to be. This proposal removes local authority. Strengthen the enforcement of locals accepting state approvals. The BCIS system needs work.
2/9 Comments and Discussion on Local Enforcement:

1. Should the rule better define how locals are to enforce the Rule?
2. The rule already does this.
3. Maybe someone needs to do training program for DBPR to be able to audit local enforcement.
4. There is a significant difference in how each local building department enforces the Rule. Right now enforcement is all over the board.
5. FHBA and BOAF should get together on a common voluntary compliance process similar to the drafting of the Chapter One Administrative provisions of the Code. Provide everything required in each building department.
6. City managers and county managers should be informed of the need for additional personnel to comply with the rule. DBPR audits is the mechanism that exists for checking compliance.
7. The building code is a minimum performance standard and enforcement should be set to the minimum standard.
8. We have to establish a minimum level of enforcement for local building departments.
9. The minimum standards for compliance are in the Code and minimum standards for enforcement of product approval should also be in the Code.
10. There is confusion between product approval and the Code. If we’re talking about how products are to be used in construction, you’re talking about the Code.
11. The builders and not the manufacturers are submitting for approval on each permit application. The Code should address using approved products.
12. We’re premature discussing this until we see what’s going to be recommended for a Rule change.
13. Establishing a minimum enforcement standard should be included in a legislative package.
14. Building departments have a problem with resource issues in complying with product approval as it is. Give them a chance to work on consistency before some statutory/rule mandate is imposed.
15. It takes time for all players to get up to speed and consistency with compliance will happen through education and training. Statutory and rule imposition is not necessary at this time.

Public Comment:

16. The product approval system that has been developed is a good cost effective system. Local enforcement is a huge problem. We should provide some guidance to locals so that this can be handled without putting a burden on them. The plans examiner must make sure the products on the plans are approved. The inspector must make sure the product is installed in the proper manner. Forget about affidavits. Spot audits should be used on a monthly basis on a percentage basis of permits issued in the prior month. The audit would include the plans examiner process and inspections.
17. Most counties have building departments with the building official doing plans examination and inspections. He would be auditing himself. A lot of the 400+ building departments in the state are small and don’t have the resources to do this.
18. Are we talking about local or state or both with this concept? So, what we’re talking about is making it easier for the building official in the field.
19. This is a two step process. The first stage is product acceptance and the second is product approval site specific at the local level. The rule requires the manufacturer to provided backup documentation supporting the claim of compliance, by evaluation reports or test reports.

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:

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<tr>
<td>Revised Ranking</td>
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<td>2/9/05</td>
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Minor Reservation from 1/11/05 Meeting:

Would prefer that State approval be mandatory for the 8 product categories.

G. Wind Breaker sub-category of windows.

1. Remove the wind breaker sub-category from the windows category of the Rule.

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Major Reservation:

Even if this is not part of the WFRS, this is still a life safety issue.
**Comments/Discussion:**

1. These wind breakers are not part of the wind force resisting system (WFRS). If added to the WFRS they add additional loading to the structure.
2. Very typical that the structure enclosed with these panels under 70 mph are closed, but at 120 mph they are open.
3. The code requires these to be removed.
4. A lot of these manufacturers want to get approval. This should not be a problem.
5. There is merit for removing this product from the Rule.
6. This is not part of the WFRS.
7. Product approval also includes components and cladding and not just WFRS.
8. This is typically, almost exclusively an after market product. The last thing a homeowner does when a hurricane is coming is start taking things off of a building.
9. This doesn’t meet the definition of “structural component” in the rule.
10. I have never received a request from a building department for product approval for these products.

**H. Railing sub-category of structural components.**

1. **Remove the railing subcategory from the structural components category of the Rule.**

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**Comments/Discussion:**

1. A lot of system guard rails don’t have engineering, but do receive loads.
2. How are these load requirements documented to the local building departments.
3. Guardrails don’t have anything to do with the WFRS of the building.
4. Doesn’t fit in the rule.
II. EVALUATION

A. Requiring Installation Instructions For All Compliance Options.

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

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<td>Revised Ranking 2/8/05</td>
<td>13</td>
<td>0</td>
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Comments/Discussion:

1. How do we get installation instructions from certification agencies? (See comment on page 8)
2. Whoever represents the manufacturer should be the responsible party.
3. This is structural and the attachment should be the issue.

E. Issuance of Labels (QA entities, architects and engineers).

I. Revise Rule to be consistent with the FBC’s declaratory statement decision. This is a Code interpretation issue (DCA04-DEC-069).

No further modification to the rule is needed, this is a code issue.

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Summary:
The Workgroup unanimously agreed, 12 – 0, to remove this option since it is adequately covered in the existing Rule.

Comments/Discussion:

1. This is a code issue and not product approval.
2. If this is a code issue, we should not support this.
Public Comment:

3. Code requires labels, but when A or E evaluation is done, where does the label come from? There is no guidance.
4. Need a standardized system of labeling products. M/D products don’t have any info regarding pressures.
5. No labels are required for exterior doors, but there should be.
6. There is a definition in the rule for labeling. I agree with the rule.
7. There should be some flexibility that the label has to come from the certification agency.
8. The code only addresses labeling of windows. Clarify the issue of labeling under the Rule. What should be on the label and who can label?

F. 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.

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Comments/Discussion:

1. Modification of approved products for site specific reasons is allowed. The rule should be clear that this is allowed.
2. An approved hanger product may be used in a substrate different from that approved. The engineer should be able to state that the alternate application is acceptable.
3. The building official already has the ability to do this.
4. This should be for both local and state approvals.
5. This is job specific.
G. 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 FBC approved accreditation body. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.*

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**Comments/Discussion:**

1. What about a test lab that may be approved by some other entity, but is not Florida approved?
2. We currently have approved products tested by both approved and non-approved test labs.
6. There is a Declaratory statement that supports test reports from non-approved test labs.
7. The Declaratory statement is right on target, if the approval is based on an evaluation, the test report does not have to come from an approved lab.
8. A or E should not be able to use a test report from a non-approved test lab.
9. Be clear that the entity issuing the evaluation report or certification, that entity verifies that the test lab is accredited.

**Public Comment:**

10. The rule defines test report as being from an approved testing lab.
11. There is a distinction between test report and the test report compliance method.
12. Certification needs to be exempt from the approved test lab requirement. Under the test report method, it should be an approved test lab. Language should be cleared up.

H. 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.)

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**Comments/Discussion:**

1. Engineering can not be substituted for a required test.
2. “G” above answers this question.
3. Strike “whether” and add the term “that”.

**Public Comment:**

4. There are products that can not be tested to those standards.
I. Clarify that a legacy evaluation report from a nationally recognized model code organization may be used if it shows compliance with the Florida Building Code.

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**Minor Reservation:**

These reports should be backed up by the evaluation entity.

How will it be determined that the legacy report is compliant with the Code or standards in the Code?

**Comments/Discussion:**

1. What is wrong using a legacy evaluation report for product approval? If it demonstrates compliance it should be acceptable.
2. Some of these reports are to standards not in the Florida Building Code.
3. Are they still being backed up by the evaluation entity. If not, they should be.
4. The ICC doesn’t always refer to standards, but states compliance with ICC specific requirements.

**Public Comment:**

5. The legacy report should state that the product complies with the Florida Building Code.
6. USP holds the only ICC report that states compliance with the Florida Building Code. ICC will no longer issue a compliance statement for the Florida Building Code.
7. Can an A or E take a legacy report and do an evaluation stating it meets the Florida Building Code. There should be no restriction on using current legacy reports.
8. What is a legacy report?

**Meeting Option Evaluated by the Workgroup**

2. Legacy reports that were based on the 1997 or 1999 Standard Building Code and show compliance with the Florida Building Code may be considered for demonstrating compliance until the 2004 Florida Building Code goes into effect.

**Summary:**
The Workgroup unanimously agreed, 10 – 0, to delete this option.

**Comments/Discussion:**

1. This is a moot point.
J. Establish subcommittees to develop approval processes specific to individual technologies such as those that are manufactured other than in factories.

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Comments/Discussion:

1. We don’t need to do this at this time.

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

1. 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.

(Staff will work with the Structural TAC to develop this list.)

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Minor Reservation:

1. The test method can always be used and we already have a system that is working.

Comments/Discussion:

1. Products with prescriptive standards in the code would be exempt. The list shows all standards that include a third party quality assurance program. Some of these are already exempted in Rule 9B-72.
2. Are the products that are prescriptive in the Code set a standard level of performance?
3. These are minimum specifications for the production of the product.
4. Are nails exempt because they are manufactured to these standards? What about 2x4’s or rebar. These are what I see as prescriptive standards.
5. The word prescriptive is a problem. Strike this word.
6. The term specification needs to be defined.
7. Material specification standard would be a better term.
8. In statute, give the Commission authority to identify those exempt standards in the Rule.
9. I would rather see the exempted products listed instead of the exempted standards.
10. All products may not be manufactured to one of the standards, for example rebar.
Public Comment:

11. Products from other countries come to Florida that look like what were listing today, but are not.

L. Clarify how a limitation of use of an approved product under Rule 9B-72 can be modified for a specific job.

Summary:
The Workgroup unanimously agreed, 10 – 0, to delete this issue since it is already covered by the job specific provisions (II. E from Worksheet V).

Comments/Discussion:

1. Job specific engineering already handles this issue.


1. For the test report method of compliance, no further evaluation beyond the test report is required.

Summary:
The Workgroup unanimously agreed, 10 – 0, to delete this issue since it is already covered by the Rule.

Comments/Discussion:

1. The law states that locals can not require further documentation. This is already part of the system.

Public Comment:

2. There are some products that should be evaluated beyond the test. Example: Windows tested on a particular substrate would have to be evaluated for use in other substrates.
N. Evaluation by Architects and Engineers.

1. Require Architects/Engineers submitting evaluation reports to provide all supporting data, including, but not limited to, Test Reports and Calculations.

This is covered in the Rule, but need to define “technical documentation” and “description of product”.

Craig Parrino will bring a proposal to the next meeting.

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Comments/Discussion:

1. “E” on page 14 is related. As a QA entity we must verify the manufacturer is producing the product according to the approval and this would help. Info on the BCIS has been inconsistent.
2. The Rule spells out exactly what is required to be submitted including technical documentation, etc. This info is required now in the Rule. Some reports don’t contain this information and this is causing confusion. Technical documentation should be clarified. Evaluation reports have a section that references back up reports. These reports have proprietary information that doesn’t need to be released to the public.
3. Grade of components should be included in the report.
4. We are accepting reports that are lacking this info.
5. The word “description” needs to be defined. Guidance is needed for how much detail is required and it should be very specific.

O. Evaluation by Test Report

1. Where Test Reports are used as the basis for Evaluations, eliminate the Independence requirements for the evaluating engineer, instead relying on the Submission Requirements.

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Comments/Discussion:

1. We should require independence from the evaluating engineer. However, based on current status, we should allow the engineer to work for the manufacturer. (See vote on page 8)
2. This is specific to installation instructions.
3. Installation instructions are engineering documents.
4. If we are going to get rid of technical validation, you need independence.
5. We need consistency and it should apply to all methods.
6. There could be an exception for installation instructions.
8. There could be a hybrid requiring peer review for certain types of evaluation.
9. If manufacturer’s engineer is allowed to do evaluation, a peer review should be required.

Public comment:

10. There should not be a requirement for engineers to have independence. There is no peer review and so no method for checking compliance.

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.

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Comments/Discussion/Reservations:

1. This should be looked at in two parts. Eliminate the third party validation entity and rely on the product approval administrator’s validation of applications. Provide what guidance is required for the administrator’s validation of applications.
2. Eliminating the validation process is not going down the right path. Whatever validation process you choose is not a good method. Validation is essential for third party independence to look at the applications. There are too many options and this makes it difficult. Options should be streamlined to the different category of products. Train the validators.
3. It will be detrimental to the process to get rid of the validation process.
4. Validation could be done better if it were done by only one entity.
5. Definition of validation entity, the validator functions are administrative.
6. This distributive system of validators with no oversight is a bad system.
7. This will eliminate some redundancy.
8. It took many meetings to come up with the Rule and this takes a big chunk away from the Rule and is wrong.
VII. LOCAL PRODUCT APPROVAL

2. Proposed Option:

   (1) For local product approval, products or systems of construction shall demonstrate compliance with the structural windload requirements of the Florida Building Code through one of the following methods:

       (a) A certification mark, listing or label from a Commission approved certification agency indicating the product complies with the Code;

       (b) A test report from a Commission approved testing laboratory indicating the product tested complies with the Code;

       (c) A product evaluation report based upon testing, comparative or rational analysis, or a combination thereof, from a Commission approved product evaluation entity, and which indicates the product evaluated complies with the Code; or

       (d) A product evaluation report or certification based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a Florida Professional Engineer or Florida Registered Architect, and which indicates the product complies with the Code; or,

       (e) A Florida statewide product approval issued by the Florida Building Commission.

   (2) 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.

   (3) Products demonstrating compliance shall be manufactured under a quality assurance program audited by an approved quality assurance entity.

   (4) Products bearing a certification mark, label or listing by an approved certification agency require no further documentation to establish compliance with the Code.

   (5) Upon review of the compliance documentation, the authority having jurisdiction or local building official shall deem the product approved for use in accordance with its approval and limitation of use.

   (6) Approval shall be valid until such time as the product changes decreasing the product’s performance, the standards of the Code Change, or the approval is otherwise suspended or revoked. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.
Summary:
There was not support for this specific language, but paragraph (2) was adopted as was the elimination of the required checklist. In addition, the application form will not be required but will serve as a minimum set of criteria.

Comments/Discussion:

1. The legislative intent was to an create optional statewide product approval system. I was against the mandatory local checklist. It creates extra paper work and more government in local government. This has created more confusion around the state.
2. It's clear to both the manufacturer and building department that one of these documents is required. The checklist is to clarify what is required for approval.
3. Basic information is on the application. This is simple information that the manufacturer has to fill out and submit to the building department. This should be a burden on the manufacturer and not the building department. Items on the checklist are the things that need to be submitted for locals to approve products.
4. The building official should be required to be trained in reviewing the documents.
5. The application for local product approval is lacking and the checklist is lacking and could stand some improvement. Information should be required as a minimum and not in a specific application or checklist. Building officials need to be trained in all aspects of the building code. Requiring training for product approval, where does the required training stop. Why not include this in the required training in the building officials administration board training.
6. In most cases the building professionals do not need training and are doing a good job.
7. The application and the checklist are together and helps manufacturers know what they have to submit for product approval. Why is there a concern about the checklist? The checklist is simple and straight forward.
8. In support of the BOAF position, this puts a burden on the smaller building departments. The construction coalition is in support of the BOAF position.
9. This has to be useable by all the jurisdictions around the state.
10. Building officials do not need more paperwork. This is making it more complicated for locals. Enforcement is a local issue and should be left to the locals.
11. It is useful to have a checklist. The building departments don’t want to be responsible for items on the checklist down the road. The design professional should be made responsible for the checklist.
12. We support the BOAF proposal. Enforcement by locals is dependant on a number of variables. You may have a building department with one person. This is an unfunded mandate. State approval only sets up a monopoly making manufacturers go to the state for approval.
13. The designer or builder should be responsible for submission of compliance documents and leave out the requirement for the application and checklist.
Straw Poll 1— Should the Checklist be Required?

Yes 4
No 9

Comments/Discussion:

1. The design professional could be responsible for the checklist.
2. The checklist should be a minimum of documentation required and the building official could ask for more.
3. There is no big deal for requiring a checklist. The difference between commercial and residential could be defined.
4. If the building officials could develop a good training seminar, I could vote for it.

Straw Poll 2— Should the Checklist be Required?

Yes 1
No 12

Straw Poll 3— Should the Application Form be Required?

Yes 6
No 7

Comments/Discussion:

1. Application should be minimum requirements. Once written, it becomes law.

Straw Poll 4— Should the Criteria in the Application Form be minimum submission criteria?

Yes 13
No 0

3. For product evaluation reports which demonstrate compliance with the Code based upon both a test report from an approved testing laboratory and rationale or comparative analysis by a Florida Registered Architect or Florida Professional Engineer, either the testing laboratory or the evaluating architect or engineer must certify independence from the product manufacturer. (Note: This applies to project specific local product approval)

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Summary:

There was no support for this option.
ATTACHMENT 1

PRODUCT APPROVAL WORKGROUP—FEBRUARY 8 - 9, 2005
Meeting Evaluation Results

0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE.

1. Please assess the overall meeting.

9.2 The background information was very useful.
9.0 The agenda packet was very useful.
9.6 The objectives for the meeting were stated at the outset.
9.1 Overall, the objectives of the meeting were fully achieved.
9.3 Consideration of Issues in Turn and Identification of Additional Options.
9.6 Proposal of Options for Identified Issues.
9.7 Evaluation and Ranking of Proposed Options.
9.4 Refining of Options Enjoying a High Level of Acceptability.
9.4 Next Steps and Agenda Items for Next Meeting.

2. Please tell us how well the facilitator helped the participants engage in the meeting.

9.3 The participants followed the direction of the facilitator.
9.8 The facilitator made sure the concerns of all participants were heard.
9.5 The facilitator helped us arrange our time well.
9.6 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

8.8 Overall, I am very satisfied with the meeting.
9.5 I was very satisfied with the services provided by the facilitator.
9.5 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.4 I know what the next steps following this meeting will be.
9.5 I know who is responsible for the next steps.

5. Comments.

- Jeff Blair continues to do an outstanding job.
- I was very pleased with the open discussion on options to enhance the P. A. Rule.
- We got a good bit covered.
- I wish we could get the worksheets prior to the meeting. If it is on the FCRC website it does not seem like it would be a “Sunshine” violation.
- Thanks for getting the PA system for the meeting.
- Thanks for the microphones.
- Chris Schulte makes a fine audio technician.
- Date the documents we get.