FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL VALIDATION WORKGROUP MEETING IV REPORT

REPORT TO THE FLORIDA BUILDING COMMISSION

FEBRUARY 7, 2006

Orlando, Florida

Meeting Design & Facilitation By

Florida Conflict Resolution Consortium

Report By Jeff A. Blair
Florida State University

jblair@fsu.edu
http://consensus.fsu.edu

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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 FEBRUARY 7, 2006 MEETING

Opening and Meeting Attendance
Jeff Blair, Commission Facilitator, opened the meeting at 1:30 AM, and the following Workgroup members were present:

DCA Staff Present
Rick Dixon, 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 agenda included the following objectives:
• To Approve Regular Procedural Topics (Agenda and Report)
• To Review Workgroup’s Work Product
• To Discuss Workgroup’s 2006 Scope and Workplan
• 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

The Committee voted unanimously, 9 - 0 in favor, to approve the February 7, 2006 Agenda as presented.

Approval of December 5, 2005 Facilitator’s Summary Report
The Committee voted unanimously, 9 - 0 in favor, to approve the December 5, 2005 Facilitator’s Report as presented.

Review of Workgroup’s Work Product to Date
Jeff Blair reviewed the Committee’s work product to date and answered member’s questions.

Overview of PAVWG’s Work Product from Phase I
The Committee studied the Commission’s recommendation that the state be served by single validation entity and after considering the feasibility of the recommendation—including reviewing 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—determined that additional considerations should be evaluated prior to making a recommendation to the 2006 Legislature

The Committee was asked to review their previous package of recommendations (see October 12, 2005 PAVWG Report included as “Attachment 1”) including recommending that the Commission seek statutory authority to eliminate the third party validation entity in the validation process, and to contract with a single qualified entity (system validator) to conduct this function. After discussion and public comment, a straw poll was conducted on the threshold question of whether to support the single validation entity recommendation (5 members in support), or recommending against the single validation entity (3 members in support). Since there was not consensus for either option, a third option was proposed providing that additional issues should be considered prior to making a recommendation.

Phase I Recommendations to the Florida Building Commission (From December 2005 meeting)
The PAVWG voted 6 – 2 in support, to recommend that 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 recommends 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.

Discussion of Workgroup’s Scope and Workplan for 2006
Jeff Blair explained that the Florida Building Commission voted to report to the 2006 Legislature that at this time, the State is not served by a single validation entity for state approval, and the Commission will 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 review the validation requirements for the certification agency compliance method.

The PAVWG’s scope for 2006 (Phase II) is to review and develop consensus recommendations to the Commission 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.
Identification of Issues and Options for Evaluation by Workgroup

Workgroup members were asked to identify issues and options for each of the four (4) compliance options/methods: certification; evaluation report by a Florida RA or PE, evaluation report by an evaluation entity, and test reports.

Issues and Options

Four Compliance Methods:

Certification Discussion

Options—Certification

• Need copies of current rule requirements.
• No verification on the information provided on the application.
• Require the certification agency to validate the application.
• Berman—applications have been approved when they were not listed with certification agency.
• Applicants submit applications for more products than listed with the certification agency.
• Agency identifies products listed, need to require agency to certify listed products.
• Expiration date not listed with test report for certification agencies, need assurance, document expiration date of test report.
• Verification of installation instructions.
• Engineer, needs to be validated.
• Manufacturer’s personnel develop installation details, needs to be verified by certification agency.
• Installation details need to be reviewed by an engineer.
• Develop a method, all certification agencies follow UL or FM method of certification.
• We should have a presentation from UL or FM on their requirements.
• Helpful to have several presentations on certification methods to evaluate certifications. (Keystone and their certification methods).
• Helpful for inspectors to reduce instructions to common and readable document.
• Gascon—would be willing to give presentation on Miami-Dade, if not too repetitive of UL.
• Validation criteria requirements and any changes needed.

Comments—Certification

• Entity becomes more involved with identifying that information on the web site is correct.
• Does the manufacturer add his own documents or those from the certification agency?
• Agency verifies applications automatically (Valentine). Should make this a standard procedure.
• Agency notified, does it have responsibility to respond? (Valentine, notifies DCA when the application is not in good standing.)
• Agency notified, verifies applicant in good standing but does not verify application is complete or testing is correct (Hill).
• Agency look at application and confirms the application is consistent with the certification, limits of use, consistent with certification from agency. Agencies provide information for getting application approved.
• If certification expires, is the certification agency required to notify Florida that certification has expired.
• Quality assurance auditing, inspection continues if certification expires, not examined at the same level of detail, more than one product, may not expire at the same time.
• Verify installation details? Engineer is validated.
• Who develops installation details? Engineer, needs to be validated.
• Valentine—manufacturer develops installation details.
• Certification agency does not verify installation details.
• Responsibility of manufacturer to upload correct installation details.
• Roofing welder, label, engineers reviewed, systems (certification agency reviews installation instructions).
• Reviewed by product categories.
• FM answers email they receive and follows up requests to full extent.
• What kind of validation review is made.
• Alternate installation methods.
• Installation instructions are part of product review by certification agency.
• Valentine—Follow ANSI, separate from certification, does not specify installation instructions.
• Valentine—will get with ANSI for the type of presentation they will make.
• Door program, international, inspection, and labeling, program for doors and other products.
• Manufacturers request the agency to make application on the web site for them.
• Jim Bell—UL, witness testing or performs testing of product.
• Agencies may not see how a product is tested.
• Lorraine Ross—validation is the issue, certification doing or reviewing test and QA and listing programs.
• UL or FM signs off on samples, witness manufacturing process.
• Braddy—don’t need to micromanage certification bodies.
• We need to force certification bodies to do what they need to do, so we will be happy when they put a label on products.
• Valentine—standards raised, accredited by other people.
• No one checking how panel installed, uploading wood instructions for steel panels, etc.
• Certification agency makes sure what is uploaded was certified for the listed product.

Evaluation by Architect or Engineer Discussion
Options—Evaluation by Architect or Engineer
• BOE wants to have rational analysis validated.
• There is no accountability for a botched validation.
Comments—Evaluation by Architect or Engineer

- Parrino—most do a good job.
- Some are not looking at the materials submitted in the application.
- Braddy—no enforcing mechanism and accountability (all four methods).
- Robert, weak link in system, what was submitted is correct and actually meets the code. Not possible to do validation. Technical review necessary to have engineer review process, all documents needed to do complete review. Peer review impossible without documentation.

Test Reports Discussion
Options—Test Reports

Valentine—test reports should be removed from system unless they receive a third party review. More stringent criteria needs to be established for validation of test reports. Need evaluation of test report.

Madani—take sample of applications and evaluate where the problems are. Look at actual applications.

Need to review test labs that validate their own test reports

Need clarification of test labs validating own test reports.

Comments—Test Reports

Braddy—problem is, test report needs to go through alternate means and not through product approval. Should be eliminated from the system. Used to by pass building official alternate methods and materials.

Buckner—test report, reference documents, raw data, limited use as evaluation and validation.

Shakleford—is third party review validation?

Kim—how can we get product approval with test report?

Validation solve problem? Remove test report.

Parrino—use of test report is very limited, use engineering analysis to break down the data. Using standardized report has history, don’t need analysis.

Berman—quite a few test laboratories are approved as validators, do test and validate their own test. Need to review test labs that validate their own test reports.

Ross—have to have QA, have to continue to have same qualities, depends on manufacturer. What does a validation entail? Technical review or not? Most things are ok Should we build around 1% who are not doing a good job?

Berman—do a presentation on what is a validation. Testing lab also validating test and quality assurance agency.

Parrino—test lab validating own test report, test labs not able to validate, conflict.

Madani—conflict of interest pertains to engineer not test labs.

Valentine—uncomfortable with Ted giving presentation to the work group on validation.

Kim—validation a technical or administrative review?

Braddy—was trying to get local approval for products in the earlier rule process.

Shakleford—some situations test report good, roof fails and passes evaluations.

Braddy—some companies tell, tested to impact standards, not reveal product did not pass test.
Evaluation by Evaluation Entity Discussion
Options—Evaluation by Evaluation Entity
• Madani—validation should be broken into two different groups: model code organization or engineer.

Comment—Evaluation by Evaluation Entity
• Parrino—this is the same as evaluation by architect or engineer.
• Shakleford—must submit a certificate of independence every time for agency, this is already in the Rule.
• Parrino—certificate of independence, legal counsel required the certificate.
• Evaluation reports by Miami-Dade don’t need validation.
• Braddy—need to be specific what is needed for each of the groups.
• Ross—legislation defined who is an evaluation entity. Don’t need validation, don’t need technical review if from model code organization. Need to validate if not an expired report.
• Buckner—who is uploading the files? Separate file for installation? Need to check correct file uploaded.
• Haney—evaluation report needs to be upload in its entirety, no more no less.
• Gascon—validation needs to be used because there is discrepancy between agencies, different codes, national products.
• Berman—manufacturers add limits of use, do not agree with evaluation report, installation instructions may not be in compliance with evaluation report.

Discussion on Proposed “Effective Validation Checklist and Process”
• Hill—Dave Olmstead’s effective validation process, general check list.
• Applies to test report and certification, verify right test was done when there is a standardized test performed.
• Kim—Test data used correctly? Not technical validation.
• Shakleford—12, verified test matches, load rating, not need to review all the calculations.
• Dave Olmstead and Verda Larue put the list together.
• Valentine—supports Dave’s list.
• Madani—List specific to validation check list for test report and evaluation report.
• Jon Hill volunteered to present the list at the next meeting.
Public Comment
Members of the public were invited to address the Committee.

Next Steps
- Ted Berman will present on the criteria/requirements for the four compliance options including recommendations for enhancements.
- Mo Madani will present on the current validation requirements in Rule 9B-72.
- Jon Hill will provide analysis and summary of the “Effective Validation Checklist and Process” document.
- Jon Hill from Keystone will present on the validation requirements for certification.
- John Wiggins from UL will present of UL certification related to validation.
- Sig Valentine will present on ANSI validation.
- Jamie Gascon from Miami-Dade County Code Compliance will present on Validation.