



DCA05-DEC-245

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December 22, 2005

Via E-mail transmission to paula.ford@dca.state.fl.us

Paula Ford, Clerk of the Florida Building Commission
Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: Petition for Declaratory Statement Before the Florida Building Commission – Application of Rule 9B-72 to Evaluation Report and Test Report Documentation Requirements

Dear Ms. Ford:

Please consider this letter as a request for a petition for a declaratory statement before the Florida Building Commission in regard to the application of Rule 9B-72 to evaluation report and test report documentation requirements. In particular, we are concerned about new language in 9B-72.070(4) (d), that will become effective January 1, 2006 and that reads as follows:

“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 evaluation report...”

Attached is a public comment we submitted to the Commission this past June, which was read into the record but on which no action was taken. Therefore, we are seeking answers to the following questions:

1. Does the language in the updated Rule mean that all substantiating data must be uploaded to the DCA web site?
2. If the answer to Question #1 is “No”, will substantiating data be handled by both manufacturers and the DCA the same way as the old Rule?

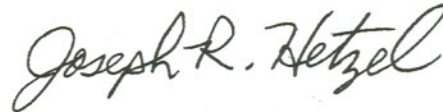
FILING AND ACKNOWLEDGEMENT
FILED, on this 22nd day of December 2005, at Tallahassee, Florida, by the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

12/22/05
Date

Please advise as to when our Petition will be considered by the Commission. In the meantime, if you have any questions or require additional information, please do not hesitate to contact the undersigned. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Hetzel". The signature is written in a cursive style with a large, prominent "H".

JOSEPH R. HETZEL, P.E.
Technical Director

JRH/jlb
dasma
Attachment

cc: Mr. Mo Madani, Florida Department of Community Affairs
mo.madani@dca.state.fl.us

Commercial & Residential Garage Door Technical Committee
Rolling Door Division

Proposed change to 9B-72.070 (4) (d): The following language is proposed to be changed -

”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 evaluation report.”

DASMA Position: We believe the proposed change should be modified.

Recommendation: The proposed change should be modified as follows:

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 evaluation report~~ may be supplied by the DCA to any interested party upon request.

Comment:

To upload all substantiating data is overly burdensome for customers of manufacturers and for consumers. The web site is already inclusive of a tremendous amount of information, which can be difficult for users to navigate. To require the inclusion of substantiating data as described would exacerbate the situation considerably.

A Florida registered design professional taking personal responsibility that supporting documentation exists should be sufficient. We believe that the State has the authority at any time to challenge and request the supporting documentation from a registered design professional.

Finally, interest in substantiating data should be only an occasional event. Therefore, language indicating that the data could be supplied to any interested party should be considered.