



DEC
DCA05-~~CDB6~~-282

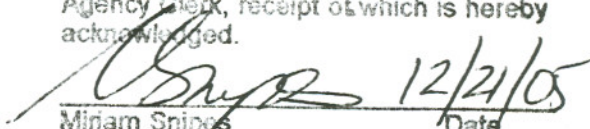
1300 Sumner Avenue, Cleveland, OH 44115-2851
Fax: (216) 241-0105 Phone: (216) 241-7333
E-Mail: dasma@dasma.com
URL: www.dasma.com

December 21, 2005

Via E-mail transmission: 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

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

12/21/05
Date

SUBJECT: Petition for Declaratory Statement Before the Florida Building Commission – Application of Rule 9B-72 to Testing Laboratory Accreditation

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 testing laboratory accreditation. In particular, we are concerned about new language in 9B-72.040(5) and 9B-72.070(4), that will become effective January 1, 2006 and that reads as follows:

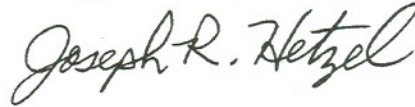
“When the Code requires a standardized test as a component of a product approval using the evaluation report or certification compliance method, the test lab must be accredited by an approved accreditation body for the test performed. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.”

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. In the above stated new language, can “test lab” also be interpreted as “test facility”?
2. In the case of the evaluation report method of product approval, can either a Florida registered design professional or a representative of an approved test laboratory accredit a test facility?
3. Is a statement from a Florida registered design professional certifying the accuracy of both the test equipment and the test results considered adequate to satisfy the accreditation requirement as a substitute for an accreditation body?
4. Can the same party both accredit a test facility and witness testing?

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

2. Proposed change to 9B-72.040 (5) and 9B-72.070 (4): The following language is proposed to be added -

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 for the test performed. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.

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

Recommendation: Change the proposed language to read as follows:

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~~ facility must shall be accredited by an approved accreditation body for the test performed, or the test shall be witnessed and verified by an independent licensed design professional. The entity issuing the evaluation report or certification ~~is~~ shall be responsible to ensure that ~~the test lab is accredited~~ this requirement is met.

Comment:

Since Declaratory Statement DCA02-DEC-142 allows for testing at a manufacturer's in-house facility under certain conditions, the proposed language should allow for this option. Thus, changing "lab" to "facility" becomes necessary.

Further, we agree that there appears to be a "hole" in the process whereby an evaluation entity does not know that the test results/reports were accurately obtained, since that entity may not have been present for the testing. Therefore, we recognize there is a need to have some certification of the test results. However, limiting the certification of testing to only an "accredited facility" is needlessly restrictive since licensed design professionals can also certify test results.

Mo Madani/DCA/FLEOC
12/27/2005 09:43 AM

To Monica Ross/DCA/FLEOC@fleoc
cc
bcc
Subject Fw: Petition for Declaratory Statement Before the Florida
Building Commission - Application of Rule 9B-72 to Testing
Laboratory Accreditation

Monica, please add the attached to the Feb. Commission Dec. statement and take a copy to legal for a Dec. #.

Thanks
Mo

----- Forwarded by Mo Madani/DCA/FLEOC on 12/27/2005 09:42 AM -----



"DASMA/Hetzel;jlb"
<JBoyle@taol.com>

12/21/2005 01:52 PM

Please respond to
"DASMA/Hetzel;jlb"
<jboyle@taol.com>

To "Paula Ford" <paula.ford@dca.state.fl.us>
cc
Subject Petition for Declaratory Statement Before the Florida Building
Commission - Application of Rule 9B-72 to Testing
Laboratory Accreditation

To:
Paula Ford, Clerk of the Florida Building Commission
Department of Community Affairs

Please see the attached correspondence for your review and comment.

We look forward to hearing from you.

Joseph R. Hetzel, P.E.
Technical Director
Door & Access Systems Manufacturers Association
1300 Sumner Avenue
Cleveland, Ohio 44115-2851
P: 216-241-7333
F: 216-241-0105
www.dasma.com

The information contained in this communication is confidential, and is intended only for the use of the individual or entity named above. We cannot accept any liability for any loss or damage sustained as a result of software viruses. It is your responsibility to carry out such virus checking as is necessary before opening any attachment. If the recipient of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is expressly prohibited. If you received this communication in error, please notify us immediately by telephone and return the original communication to us at the address listed above. We apologize for any inconvenience, and thank you for your cooperation.



Ltr-DCA Dec Stmt Req 12-21-05.pdf

Please note: Florida has a very broad public records law. Most written communications to or from state

officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.