



DCA06-DEC-067

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

February 20, 2006

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
Miriam Snipes
Deputy Agency Clerk
Date 2/21/06

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

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

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 the initiation and completion of testing. In particular, our focus is new language in 9B-72.040(5) and 9B-72.070(4), that became 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.”

A garage door manufacturer member of DASMA initiated wind load testing on a series of garage door products in mid-2005, with the intent of using the testing on these products toward applying for a single Florida state product approval number. Testing was performed in compliance with the Rule in effect at the time, which did not require a test lab (or facility, as per DCA05-DEC-282) to be accredited by a Florida-approved accreditation entity. However, because of the time at which the testing was completed, the manufacturer was unable to complete the supporting paperwork in time to submit for a state product approval before January 1, 2006.

We are seeking an answer to the following question:

Can a manufacturer use test reports initiated before January 1, 2006, compliant with the Rule in effect at the time of initiation of the testing, when applying for state product approval under the current Rule?