

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL POC

OCTOBER 2, 2014 TELECONFERENCE MEETING SUMMARY REPORT

THURSDAY, OCTOBER 2, 2014

MEETING SUMMARY AND OVERVIEW

At the Thursday, October 2, 2014 teleconference meeting the POC considered regular procedural issues including product approval and entities statistics reports; a status report on conditional approvals (all were resolved); review and approval of product and entity applications; and a review of DBPR approved product approval applications. Specific actions include developing recommendations on declaratory statements DS2014-115.

Background and Supporting Documents

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the October 2, 2014 meeting is as follows:

http://www.floridabuilding.org/fbc/commission/FBC_1014/Product_Approval/Product_Approval_Agenda.htm

AGENDA ITEM OUTCOMES

A.1. OPENING AND MEETING PARTICIPATION

The meeting was opened at 10:00 AM once a quorum was established, and the following POC members participated (7 of 7 members):

Jeff Stone (Chair), Jay Carlson, David Compton, Nan Dean, Robert Hamberger, Brian Swope and Tim Tolbert.

Members Not Participating:

All members participated.

A.2. DBPR STAFF PRESENT

Norman Bellamy, Robert Benbow, Zubeyde Binici, Joe Bigelow, Jim Hammers, April Hammonds, and Mo Madani.

Meeting Facilitation and Reporting

Product Approval POC meetings are facilitated and meeting reports drafted by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



CONSENSUS CENTER

A.3. AGENDA REVIEW

The POC voted unanimously, 6 - 0 in favor, to approve the agenda for the October 2, 2014 meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Consider/Discuss Product Approval Program Issues
- To Consider/Decide on Petitions for Declaratory Statements
- To Consider/Decide on Approval of Products and Product Approval Entities

The complete Agenda is included as “*Attachment 1*”.

(*See Attachment 1—Agenda*)

A.4. STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS

Jeff Blair reviewed the teleconference participation process with participants reminding them that it is important to keep their phones on mute to minimize background noise, not to put their phones on hold, and to wait until invited to speak to avoid confusion and chaos. Jeff emphasized that all participants will have ample time to speak on all agenda items. Participants were reminded to state their names each time they speak.

B. REVIEW AND APPROVAL OF THE AUGUST 7, 2014 MINUTES

MOTION—The POC voted unanimously, 6 - 0 in favor, to approve the August 7, 2014 meeting minutes as presented/posted.

Amendments:

There were no amendments offered.

C. 1. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT

Zubeyde Binici reviewed the product and entities statistics reports with participants and answered members’ questions. The report is linked to the Product Approval POC’s agenda.

C.2. REPORT ON CONDITIONAL APPROVALS FROM THE AUGUST 7, 2014 MEETING

Commissioner Stone noted there all of the conditions were met for the conditional approvals reported at the August 7, 2014 meetings.

C.3. CONSIDERATION OF DS 2014-115 BY CAROLINA DRAKE ALBANO, REPRESENTING NICHIIHA USA, INC.

Nichiha USA, Inc. submitted a petition for a declaratory statement for review by the Product Approval POC. All of the relevant documentation is linked to the October 2, 2014 Product Approval POC agenda found on-line. In the absence of the petitioner, Mo Madani reviewed the petition and provided staff’s analysis. Following questions and answers and an opportunity for public comment, the POC took the following action:

POC Actions:

MOTION—The POC voted unanimously, 7 - 0 in favor, to recommend the Commission approve the POC’s recommendation on the Petition (to approve staff’s recommendations to dismiss the petition).

Overview:

Nichiha USA, Inc. is a Georgia-based manufacturer of fiber cement lap siding used in residential construction throughout the southeast United States. According to the applicant, it has come to their attention that 7-1/4" wide fiber cement lap siding is being installed in a manner, which may be a threat to public safety. Nichiha's Florida Product Approval Number is FL-12098 for the residential siding family of products.

According to the applicant, the above-referenced code sections are not clear on the appropriate spacing of fasteners, nor does it specify when fastener heads can be concealed or exposed. The code leaves room for interpretation of the manufacturers' installation instructions to the code officials and installers at large.

According to the applicant, Nichiha has found through independent testing, research, and engineering calculations that, by ignoring a sentence in the testing standard, a testing lab or manufacturer can increase wind resistance by up to 170 percent. The applicant states that they will provide proof of this statement in this document and they seek a declaratory statement that disallows blind nailed installation of this width of siding in the areas in question while testing is performed in the appropriate manner and in accordance with the intent of the wind load testing standard.

Staff Analysis:

Question 1: Should the rules governing the installation of fiber cement lap siding be revised or expanded in Florida Building Code sections R703.4 and R703.10.2, particularly with respect to fastening requirements, in order to provide to Florida consumers, installers, and code officials a unified standard of installation, accounting directly for specific design wind engineering criteria to govern limitations, that elevates public safety while reducing uncertainty and unnecessary risk from storm damage?

Answer: Answer is not possible. The Declaratory Statement has no particular facts and circumstances therefore it calls for a statement of general applicability. The recommendation is for dismissal.

D.1. PRODUCT AND ENTITY APPLICATIONS CONSENT AGENDA

Commissioner Stone presented the consent agenda for entities by asking if any participants’ wished to have any entity applications pulled from the consent agenda for individual consideration. There were no entity applications pulled for individual consideration.

Commissioner Stone presented the consent agenda for approval of products by asking if any participants’ wished to have any applications pulled from the consent agenda for individual consideration. There were no product applications pulled for individual consideration.

POC Actions:

MOTION—The POC voted unanimously, 7 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities recommended for approval as posted.

MOTION—The POC voted unanimously, 7 - 0 in favor, to recommend the Commission approve the consent agenda of products recommended for approval as posted.

D.2. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS

Jeff Blair presented the products with discussion and public comment. Following are the POC's recommendations on the 12 product approval applications with public comment(s):

- The POC recommends the Commission approve product #10342 R4;
- The POC recommends the Commission conditionally approve product #13509 R2 based on the conditions listed in DBPR staff's recommendation;
- The POC recommends the Commission conditionally approve product #13624 R4 based on the conditions listed in DBPR staff's recommendation;
- The POC recommends the Commission conditionally approve product #14285 R4 based on the conditions listed in DBPR staff's recommendation;
- The POC recommends the Commission approve product #14320 R2;
- The POC recommends the Commission conditionally approve product #15533 R1 as revised based on the conditions listed in DBPR staff's recommendation, and the evaluation report shall indicate the the number of sheets signed and sealed by the RDP including sheets for the installation instructions;
- The POC recommends the Commission approve product #17168;
- The POC recommends the Commission conditionally approve product #17177 as revised based on the conditions listed in DBPR staff's recommendation, and that the referenced report be signed by a Florida PE or RA, or indicate the product is not for use in the HVHZ;
- The POC recommends the Commission approve product #17184;
- The POC recommends the Commission conditionally approve product #17205 based on the conditions listed in DBPR staff's recommendation;
- The POC recommends the Commission conditionally approve product #17209 based on the conditions listed in DBPR staff's recommendation; and
- The POC recommends the Commission conditionally approve product #17106 based on the condition that the applicant revise the application to remove all remaining specific references to load combinations, and reflect the general statement used throughout the evaluation report that indicates the: "RDP responsible for the design of the building shall determine which type of loading is critical and design QuickTie spacing accordingly."

The complete report of POC recommendations on product and entity applications is available linked to the Commission's October 14, 2014 agenda.

D.3. DBPR APPLICATIONS

Staff noted that the recommendations for the DBPR applications are linked to the October 2, 2014 Product Approval POC agenda found on-line. Staff noted that there was public comment on several applications, and these have been resolved or are in the process of being resolved in accordance with the requirements of the Rule. There were no questions, comments or discussion on the DBPR applications.

E.1. PUBLIC COMMENT

Commissioner Stone invited members of the public to address the Commission on any issues under the Commission's purview.

- Ted Berman: regarding FL17133 the safety factor should be stated with the appropriate loads.
- Mo Madani (DBPR) in response to the above comment: the application does provide the loading with the related safety factor under the limitations of use.
- Jamie Gascon (Miami-Dade County): In reference to the products approved by DBPR, staff should not wait for POC action to remove 'approval' status on applications where the applicant acknowledges mistakes pointed out during public comment and a revision to the application is required. If applicant admits to a noted mistake, staff should allow no more than 10 days to effect the revision; at the very least require the applicant file the revision by the POC meeting. Numerous applications had comments in this cycle, where the vast majority of them filed the needed revisions. However, three applications (FL16795, FL17139 and FL17140) remain with an approved status and no revisions have been filed. Staff needs to monitor these applications so that the needed revisions are filed in a timely fashion.
- Mo Madani (DBPR) in response to the above comment: staff follows the requirements of the Rule and statute regarding DBPR product approvals.

E.2. POC MEMBER COMMENT

Commissioner Stone invited POC members to offer any general comments to the POC.

There were no POC member comments offered.

POC RECOMMENDATIONS FOR COMMISSION ACTION

The POC recommends the following actions to the Florida Building Commission:

- 1.) The POC recommends the Commission take action on product and entity applications as recommended by the POC and reflected in DBPR staffs' product and entity approval report.
- 2.) The POC recommends the Commission take action pursuant to the POC's recommendations regarding declaratory statements DS 2014-115.

FUTURE AGENDA ITEMS

- None were suggested.

NEXT STEPS

The POC will meet December 1, 2014 to provide recommendations to the Commission on Product Approval System relevant issues for the December 12, 2014 Commission meeting.

F. ADJOURN

Commissioner Stone, POC Chair, thanked POC members, staff and the public for their attendance and participation, and adjourned the meeting, after a 7 – 0 vote in favor, at 10:47 AM on Thursday, October 2, 2014.

ATTACHMENT I
MEETING AGENDA

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE (POC)

THURSDAY, OCTOBER 2, 2014
10:00 AM

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
1940 NORTH MONROE ST.—TALLAHASSEE, FLORIDA 32399

WEB URL:

<https://global.gotomeeting.com/join/768281085>

AUDIO: DIAL-IN NUMBER 1 (626) 521-0017; CONFERENCE CODE: 768-281-085

MEETING OBJECTIVES

- To Consider/Discuss Product Approval Program Issues
- To Consider/Discuss Declaratory Statement
- To Consider/Decide on Approval of Products and Product Approval Entities

PRODUCT APPROVAL POC MEMBERS

Jeffrey Stone-Chair, Tim Tolbert, Brian Swope, Nanette Dean, David Compton, E.J. Carlson, Robert Hamberger.

MEETING AGENDA—OCTOBER 2, 2014

All Agenda Times—including Adjournment—are Approximate and Subject to Change

<i>10:00AM</i>	A)	Call to Order 1. Roll call of POC Members 2. Identification of Staff/Attendees 3. Review and Approval of Agenda 4. Statement on Teleconference Participation Process
	B)	Review & Approve Agenda & August 2014 Minutes
	C)	Product Approval Program Issues: 1. Product Approval & Entities Statistics Report 2. Report on conditional approvals from the August 2014 meetings (All Conditional Approval Requirements were met and completed from the August

		Reports) 3. To consider and discuss DS2014-115 by Carolina Drake Albano of Nichiha USA, Inc.
	D)	Department of Business and Professional Regulation Reports: 1. Review of Product Approval & Entity Applications 2. Product Approval Applications with Comments 3. DBPR Applications
	E)	Public/POC/Staff Comments
	E)	<i>Adjourn</i>

STAFF CONTACTS: Zubeyde O. Binici, Zubeyde.Binici@myfloridalicense.com , (850) 717-1837; Mo Madani, Manager

Teleconference Process/Etiquette:

URL:http://www.floridabuilding.org/fbc/meetings/1_meetings.htm

Note: This document is available to any person requiring materials in alternate format upon request. Contact the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2100 or call 850-487-1824.