

PRODUCT APPROVAL

❖ DCA05-DCA-159

Issue: The petitioner seeks clarification on whether or not cementitious stucco coating falls within the realms of product approval in Rule 9B-72 of the Florida Administrative Code (F.A.C.).

Question 1: “Does cementitious stucco coating fall within Rule 9B-72?”

Answer: NO.

❖ DCA05-DCA-245

Issue: The Petitioner is seeking answers to the following questions

Question 1: Does the language in the updated Rule mean that all substantiating data must be uploaded to the DCA website?

Answer 1: With regard to compliance using an evaluation report from an approved evaluation entity, substantiating data such as testing data or rational calculations are not required to be included in the evaluation report as long as they are referenced within the evaluation report.

Question 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?

Answer 2: No answer needed

❖ DCA05-DEC-282

Issue: The Petitioner is seeking clarification regarding 9B-72.070 (4)

Question 1: In the above stated new language, can “test lab” also be interpreted as “test facility”?

Answer 1: Yes. A test lab is also a test facility.

Question 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?

Answer 2: No. Florida registered design professional or a representative of an approved laboratory are not recognized as accreditation entities as per Rule 9B-72.100.

Question 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?

Answer 3: No. Also, see answer to question #2,

Question 4: Can the same party both accredit a test facility and witness testing?

Answer 4: Yes. Rule 9B-72 does not prohibit accreditation entity from rendering both functions.

❖ **DCA05-DEC-284**

Issue: The Petitioner is requesting clarification on whether fastnet International products protective netting for pitched roofs is covered under Rule 9B-72, specifically under category (roofing) and sub-category New Technology and Roof accessories.

Question 1: Does the Fastnet System for Roof Protection as depicted by the Petitioner falls within the scope of Rule 9B-72, specifically under category (roofing) and sub-category New Technology and Roof accessories?

Answer 1: No. The product in question fall out side the scope of Rule 9B-72. As per Rule 9B-72.005, the rule is limited in scope to products and systems, which comprise the building envelope and structural frame.

❖ **DCA06-DEC-067**

Issue: The Petitioner is requesting clarification regarding Rule 9B-72 application to initiation and completion of testing.

Question 1: 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?

Answer 1: No. According to Rule 9B-72.070(4), testing must be performed in test lab that is accredited by an approved Accreditation entity for the test performed.

❖ **DCA06-DEC-072**

Issue: The Petitioner is requesting clarification regarding the applicability of Rule 9B-72 to non-structural accessory/exterior trim for siding.

Question 1: Does a non-structural accessory for siding application such as our Plycem Trim falls within the scope of Rule 9B-72?

Answer 1: Yes. The product in question is siding and therefore falls within the scope of Rule 9B-72.

❖ **DCA06-DEC-094**

Issue: The Petitioner is requesting clarification regarding Rule 9B-72 regarding product test reports.

Question 1: Can a Testing Lab test a product and make a test report available to other manufacturers of the same product to use as their own?

Answer 1: No. Test Lab is functioning as both a test lab and a manufacturer. The test lab is unable to demonstrate independence from the manufacturer. The POC tabled action on this DEC until the next meeting, requesting that the petitioner be present to provide clarification and answer concerns of the POC members.