FILING AND ACKNOWLEDGEMENT

Filed on this 10th day of January, 2007, with the Designated Agency Clerk, receipt of which is hereby acknowledged.

Petition for Declaratory Statement

January 10, 2007

Before Florida Building Commission

By: Clemmons, Rutherford & Associates

2027 Thomasville Road
Tallahassee, Florida 32308
Office: (850) 385-6153
Fax: (850) 386-8420

Issue: In approving plans for Modular School Buildings (SREF), plans have been submitted that have a cement based particle board (CBPB) in the floor design, for a Type I-B construction classroom. It is the plan reviewer's opinion that this CBPB must be non-combustible to comply with Section 703.4.1 of the Florida Building Code, Section 703.4.1.

Is this CBPB non-combustible? If not, it is the plan reviewer's opinion that the ASTM E-136 test as the criteria for non-combustibility. It is the plan reviewer's opinion that the ASTM E-136 test cannot be modified to comply with the code. To date all the materials test reports data supplied for approval have had a modified ASTM E-136 test performed.

Questions:

1. Does the CBPB flooring element have to be non-combustible in Type I-B construction?
2. Does CBPB tested to ASTM E-136 with a modified ten (10) minute test comply with the Florida Building Code requirement for non-combustibility? (See attachments)

Reference: FBC Chapter 2 Definitions, Non-Combustibility, FBC Section 703.2, FBC Section 703.4.1, FBC 602, FBC 423.8.3

Respectfully,

Billy Tyson, CBO
CRA Codes & Standards Specialist
The test was stopped after 10 minutes.

The material provided met all passing criteria for 10 minutes as specified by ASTM E136.

<table>
<thead>
<tr>
<th>%</th>
<th>28.1%</th>
<th>36.7%</th>
<th>36.6%</th>
<th>39.6%</th>
<th>27.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>72</td>
<td>68</td>
<td>68</td>
<td>69</td>
<td>57</td>
</tr>
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<td>40</td>
<td>57</td>
<td>60</td>
<td>64</td>
<td>63</td>
<td>72</td>
</tr>
<tr>
<td>Average</td>
<td>61.2</td>
<td>61.7</td>
<td>62.9</td>
<td>62.2</td>
<td>65.6</td>
</tr>
<tr>
<td>Sample</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Above the furnace starting temperature (750°C)
1. Final center and surface temperature must be less than 70°C
2. No flaming after the first 30 seconds
3. Less than 50% weight loss
At least three of the four specimens tested exhibit:

The conditions for passing the test are as follows:

Results:
The specimens were conditioned according to the ASTM E136

Conditioning:

2 x 1.5 x 0.5" pieces
The specimen was made up of three combustion characteristics
April 2004
Supplier and VTEC
Sutter Products Inc.
Supplier
Gray and beige
1.5 x 1.5 x 2"
Produced in accordance with US Architectural Products Inc.

Special Preparation:
Purpose of Test:
Sample Description:
Sample Selection:
Color:
Product Description:
Supplier:
Material Description:
Dimensions:
The conditions for passing the test are as follows:

1. At least three of the four specimens tested exhibit:
   1. Mass loss
   2. Mass loss after the first 30 seconds
   3. Final emission temperature must be less than 30°C

The specimen were conditioned according to the ASTM E138

<table>
<thead>
<tr>
<th>Sample</th>
<th>Weight Before</th>
<th>Weight After</th>
<th>Flammable Index</th>
<th>Flammable Index after 30 seconds</th>
<th>Test Temperature</th>
<th>Final Emission Temperature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Grams)</td>
<td>(Grams)</td>
<td></td>
<td></td>
<td>(750°C)</td>
<td>(Centigrade)</td>
</tr>
<tr>
<td>1</td>
<td>107.2</td>
<td>91.8</td>
<td>2.4</td>
<td>2.4</td>
<td>1159</td>
<td>100</td>
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<tr>
<td>2</td>
<td>105.6</td>
<td>68.3</td>
<td>2.6</td>
<td>2.6</td>
<td>1161</td>
<td>120</td>
</tr>
<tr>
<td>3</td>
<td>107.1</td>
<td>68.9</td>
<td>2.6</td>
<td>2.6</td>
<td>1158</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>106.3</td>
<td>68.7</td>
<td>2.6</td>
<td>2.6</td>
<td>1160</td>
<td>120</td>
</tr>
<tr>
<td>Average</td>
<td>106.8</td>
<td>68.3</td>
<td>2.6</td>
<td>2.6</td>
<td>1159</td>
<td>110</td>
</tr>
</tbody>
</table>

The material provided met all the passing criteria for ASTM E138. The test was stopped after 10 minutes.

[Signature]
Amindin Rahim
Technical Director

Test must be a minimum of 30 min to be valid. This does not comply with ASTM E138.
Issue: In approving plans for Modular School Buildings (SREP), plans have been submitted that have a Type B construction building (CVPB) in the floor framing design, for a Type I-B construction classroom. CBP, material must be non-combustible to comply with the Design for Non-Combustibility, 2004 Edition, Section 703.4.1, uses the ASTM E-136 test as the criteria for non-combustibility. It is the plan reviewer's opinion that an ASTM E-136 test cannot be modified and still be in compliance with the code. The ASTM E-136 test requires the testing material center to reach 750 degrees centigrade. The test results provided were limited to ten minutes and the material cores did not reach the required 750 c. The testing agency has a note stating, “The material provided met all passing criteria for 10 minutes as specified by ASTM E-136. Since the core temperature was never reached it is unknown if the material would actually pass any of the ASTM E-136 criteria.”

Question:

Does a material tested to ASTM E-136, with a modified test (10 minute test, or modified in any way, comply with the Florida Building Code (703.4.1) requirement for non-combustibility? (See attachment)

Reference: FBC Chapter 2 Definitions, Non-Combustibility, FBC Section 3102.2, FBC 703.4.1, FBC 602, FBC 243.8.3

Billy M. Tysoe
CRA Codes & Standards Specialist
provisions of this section, fire-resistant- thanking requirements shall be specified in accordance with the
wood without concealed spaces. The details of Type IV construction shall comply with the
Table 602. Type IV construction is that type of construction in which the exterior walls are of
noncombustible materials. The interior building elements are of any material permitted by this

Type I and II construction are those types of construction in which the building elements listed in

Table 602 are noncombustible materials.

See Section 902 for party walls.

A building or portion thereof shall not be required to conform to the details of a type of
construction higher than that type, which meets the minimum requirements based on fire-resistance rating of 1/2 hour. 602.1.1 Minimum Requirements.

CONSTRUCTION CLASSIFICATION
SECTION 602

Page 1 of 3
Acceptable as noncombustible materials, flame spread index not greater than 50 when tested in accordance with ASTM E 44 shall be
with Section 703.4.1 with a surface not more than 0.125 in. (3.2 mm) thick that has a
Materials having a structural base of noncombustible material as determined in accordance
703.4.2 Composite materials.

Materials required to be noncombustible shall be tested in accordance with ASTM E 136.

Conditions limiting exposure established through the effects of age, moisture or other atmosphere
construction material if it is subject to an increase in combustibility or flame spread beyond the
material finish for non materials. A material shall not be classified as a noncombustible building
intended finish for non materials. A material shall not be classified as a noncombustible building
construction. The term "noncombustible" does not apply to the flame spread characteristics of
building materials as set forth in Sections 602.2, 602.3, 603.2 and 602.4 in Type I, I "A" and II
The tests included in Sections 703.4.1 and 703.4.2 shall serve as criteria for acceptance of
703.4 Noncombustibility tests.

5. Alternative evaluation methods as allowed by Section 704.4.1.

4. Evaluation methods based on a comparison of building element designs having

3. Calculations in accordance with Section 721.

2. Prescriptive designs of fire-resistance-rated building elements as prescribed in

1. Fire-resistance designs documented in approved sources.

Procedure:

The application of any of the alternative methods listed in this section shall be based on the fire

SECTION 703 FIRE-RESISTANCE RATINGs AND FIRE TESTS
The test was stopped after 10 minutes.

The material provided met all passing criteria for 10 minutes as specified by ASTM E136.

<table>
<thead>
<tr>
<th>%</th>
<th>28.14%</th>
<th>28.7%</th>
<th>26.8%</th>
<th>20.6%</th>
<th>21.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Test</td>
<td>716</td>
<td>726</td>
<td>800</td>
<td>791</td>
<td>794</td>
</tr>
<tr>
<td>Average</td>
<td>84.4</td>
<td>72.2</td>
<td>69.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Above the furnace starting temperature (750°C).

I. Les than 50% weight loss.

2. No flaming after the first 30 seconds.

3. Final center and surface temperatures must be less than 30°C.

At least three of the four specimens tested exhibits:

The conditions for passing the test are as follows:

The conditions were conducted according to the ASTM E136 specifications.

2 x 1.5 x 0.5 inches. The specimen was made up of three pieces.

April 2004

Supplier and VTEC

Okay and Perge

1.5 x 1.5 x 2

Produced for Norcen by US Architectural Products Inc.

US Architectural Products Inc.

VTEC #100-1980
<table>
<thead>
<tr>
<th>Sample</th>
<th>Weight Before Combustion (g)</th>
<th>Weight After Combustion (g)</th>
<th>Final Combustion Temperature (°C)</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>101.2</td>
<td>68.4</td>
<td>733</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>104.6</td>
<td>75.0</td>
<td>715</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>110.7</td>
<td>87.1</td>
<td>715</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>104.4</td>
<td>87.4</td>
<td>720</td>
<td>No</td>
</tr>
<tr>
<td>Average</td>
<td>103.6</td>
<td>79.5</td>
<td>722</td>
<td>21.9</td>
</tr>
</tbody>
</table>

The material provided met all the passing criteria for 10 minutes. The test was stopped after 10 minutes.

A. Pollard
Chief Executive Director

Revision: Added (Test done with 1 1/2 inch steel lath lager)
| $17,970.43 | Organization | 010080 | 510045 | 27 | 57 | 2800298 |
| Payment Amount | Payment Description | Fund | Opiec | Revenue | O & E | Level | ORG |

**Product Approval**

| $1,000.00 | Surchargete Payments | „ | 001000 | 28 | „ | „ |
| S | Product Approval | „ | 010406 | „ | „ | „ |
| S | Convenience Fees | „ | 010407 | „ | „ | „ |
| $18,970.43 | Legislative | „ | 010901 | „ | „ | „ |
| S | Training | „ | 010402 | „ | „ | „ |
| S | Sale of code materials | „ | 010401 | 510080 | 49 | 82800298 |

**$18,970.43**

01/08/2007

Building Codes Information System
Department of Community Affairs
I think that 602.2 misrepresented the non-combustible construction with non-combustible materials.

I believe that 602.1 refers to ASTM E119 test for fire rate in hours.

602.2 disagrees with 602.1.

Are non-combustible materials Type I and II construction are those type of construction which the building elements listed in Table 601

Type I and II construction are those types of construction which the building elements listed in Table 601.

Type I and II construction are those types of construction which the building elements listed in Table 601.

602.1 The building elements shall have a fire-resistance rating not less than that specified in Table 602.

602.2 The building elements shall have a fire-resistance rating not less than that specified in Table 602.

Floor construction including supporting beams and joists: Type II B, the rate is 0 hours - which means no rate required.

Base on the building code, Chapter 6, Table 601

Portable classrooms, most of them are Type II B construction.

I spent sometime studying the FBC and have the following findings:

I sent you the manufacturer's CFBP specs and I hope that this information helps to understand better.

Dear Mr. Ashworth, Mr. Lewis and Mr. Tyson,

Subject: Portable classroom CFBP floor fire rating

cc: Michael.Ashworth@doe.state.ia.us

To: Michael.Ashworth@doe.state.ia.us

"Michael,

Welcome to "394A"

Attached please find a comparison table about the CFBP industry. Attached please find a comparison table.

I sent you the manufacturer's CFBP specs and I hope that this information helps to understand better.

MO.

Subject: Re: Portable classroom CFBP floor fire rating

cc: Don/Admin/CFBP@doe.state.ia.us, Sandra Baldwin/Admin/CFBP@doe.state.ia.us

To: Michael.Ashworth@doe.state.ia.us

"MO.

01/11/2007 06:37 AM

Michael
If all the elements are non-combustible per 602.2, that means structural frame, walls, floor, and roof are all non-combustible material. This is definitely not the case. Only 100% concrete blocks can do that.

Based on the above information, a class A surface burning test shall qualify CBPSC for the type II B non-combustible construction floor material.

Would you be able to get back to me for the above in your earliest convenient time?

Wenyl Zhang P.Eng.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

CBPSC-Conflict-isan-only-xx6