

**FLORIDA BUILDING COMMISSION**  
**PRODUCT APPROVAL POC**  
**DECEMBER 4, 2013 TELECONFERENCE MEETING SUMMARY REPORT**

**WEDNESDAY, DECEMBER 4, 2013**

**MEETING SUMMARY AND OVERVIEW**

At the Wednesday, December 4, 2013 teleconference meeting the POC discussed declaratory statement DS 2013-046 which was subsequently withdrawn by the petitioner; recommendations regarding Product Approval rules 61G20-3.007, recommending approval of the revised product approval payment screen; Product Approval Rule 61G20.3015, Equivalency of Standard, recommending approval for equivalency of FRSA/TRI 07320-5 to FRSA/TRI Fifth Edition, and ANSI/DASMA 108-2012 to ANSI/DASMA 108-2005. The POC received updates pertaining to a complaint regarding product #FL 16057 and voted to recommend the Commission conduct an investigation of the product in conformance with the requirements of the Product Approval Rule. In addition, the POC received briefings pertaining to requirements of Rule 61G20-3 with regards to product testing laboratories, specifically the requirements that approval be limited to a specific physical location; a Summary of the Commission's options pertaining to initiating an investigation of products, and for initiating a suspension and/or revocation of products; product approval and entities statistics report; product approval Administrator's performance survey; and, a status report on conditional approvals and QA expiration notices.

**Background and Supporting Documents**

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the December 4, 2013 meeting is as follows:

[http://www.floridabuilding.org/fbc/commission/FBC\\_1213/Product\\_Approval/Product\\_Approval\\_Agenda.htm](http://www.floridabuilding.org/fbc/commission/FBC_1213/Product_Approval/Product_Approval_Agenda.htm)

**AGENDA ITEM OUTCOMES**

**A.1. OPENING AND MEETING ATTENDANCE**

The meeting was opened at 10:04 AM once a quorum was established, and the following POC members participated (x of 5 members):

Jeff Stone (Chair), David Compton, Nan Dean, Herminio Gonzales Brian Swope, and Tim Tolbert.

*Members Not Participating:*

Jay Carlson.

**A.2. DBPR STAFF PRESENT**

Robert Benbow, Joe Bigelow, Jim Hammers, April Hammonds, Mo Madini, and Jim Richmond.

## 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, 5 - 0 in favor, to approve the agenda for the December 4, 2013 meeting as posted. Following are the key agenda items approved for consideration:

- To Consider/Discuss Product Approval Program Issues
- To Consider/Discuss Declaratory Statement
- 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.

## B. REVIEW AND APPROVAL OF THE OCTOBER 3, 2013 MINUTES

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to approve the October 3, 2013 meeting minutes as presented.

*Amendments:*

There were no amendments offered.

### C. 1. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT

Mo Madani reviewed the product and entities statistics reports with participants and answered members’ questions. The complete report is included as “*Attachment 2*” of this Report.

(See *Attachment 2—Product and Entities Statistics Report*)

### C.2. REPORT ON CONDITIONAL APPROVALS FROM OCTOBER 2013 MEETING

Ted Berman noted that the conditional approvals report from the October 2013 meeting is linked to the December Product Approval Agenda, and that seven of the eight product approval applications with conditional approvals from October have complied with the conditions and have subsequently

been approved, and one is being deferred since the applicant has not taken action to comply with the conditions for approval.

### **C.3. REPORT ON QA EXPIRATION NOTIFICATIONS**

Ted Berman noted the QA expiration report is linked to the December Product Approval Agenda, and answered members' questions. It should be noted that the remaining expired QA entities (33) have been contacted and those that have responded (2) have corrected deficiencies and are considered resolved. There are currently (31) QA expirations contacted that have not responded.

### **C.4. CONSIDERATION OF DS 2013-046 BY SAL DELFINO OF PETERSON ALUMINUM CORP.**

Sal Delfino representing the Peterson Aluminum Corporation (PAC) submitted a petition for a declaratory statement for review by the Product Approval POC. The petition was deferred from the October meeting after having been deferred from the August meeting. All of the relevant documentation is linked to the December 4, 2013 Product Approval POC agenda found on-line.

#### *Overview:*

The Petitioner requested clarification with regard to Rule 61G20-3.005 and Rule 61G20-3.007, and the applications of these rules to Portable Rollforming Machines (PRM).

#### *Overview of Discussion During the POC Meeting:*

The Petitioner provided the POC with an overview of the issue at the August 2013 meeting and noted he would like additional clarification to the staff recommendations. The Petition was again deferred from the October meeting to the December meeting at the request of the Petitioner. At the December meeting the Petitioner proposed an alternative answer to staff's recommendation on Question #3. An opportunity was provided for public comment including opportunities for the Petitioner to ask additional questions and provide additional comments. The POC discussed the issue and most members seemed to be in support of staff's recommendations. Prior to the POC taking formal action on the Petition, the Petitioner withdrew the Petition.

#### **Staff Analysis:**

Question #1: Is a contractor/fabricator (the entity actually manufacturing/rolling the metal roofing panels) required to have FL Product Approvals in their name with a Quality Assurance Program from a recognized QA Agency?

Answer: ~~The State Product Approval is optional to that of the local product approval. In this case, a contractor/fabricator has the option to either obtain state approval in his or her name or obtain approval from the local authority having jurisdiction.~~  
Providing answer to this question is not possible since the question is too general.  
Also, see answer to Question #. 3.

Question #2: Can a contractor/fabricator (the entity that is actually manufacturing/rolling the metal roofing panels) utilize the Product Approvals that belong to the raw material provider for obtaining a permit?

Answer: No possible answer. The question is too broad in scope.

Question #3: Can PAC provide raw materials for a customer to manufacture a metal roofing panel that is identical to PAC's metal roofing panel on the customer's PRM and allow the same customer to use PAC's Florida Statewide Product Approval to obtain a permit?

Answer: Yes. As long as, the metal roofing panels are manufactured in accordance with the specifications and limitation of use of the PAC's State Product Approval and manufactured under a quality assurance program that is audited by a third-party quality assurance entity approved by the Florida Building Commission for that purpose. ~~subject to the quality assurance program for the said approval.~~

**Petitioner requested the following alternative answer to Question #3:**

**Question #3:** Can PAC provide raw materials for a customer to manufacture a metal roofing panel that is identical to PAC's metal roofing panel on the customer's PRM (portable rollform machine) and allow the same customer to use PAC's Florida Statewide Product Approval to obtain a permit?

**Answer:** No. Since the customer would be physically forming the panel and in full control of what metal is used, they would be considered a "manufacturer". Therefore, they must have their own Florida State Product Approval Number along with a quality assurance program that is audited by a third-party quality assurance entity approved by the Florida Building Commission for that purpose.

#### **C.5. UPDATE FROM KEYSTONE CERTIFICATION REGARDING FL 16057 ZION TILE CORP.**

A complaint was made by Dan Arguelles regarding roof tile products made by Zion Tile Corp. Mr. Arguelles alleged that the Zion Tile Corp. is distributing non-compliant roof tiles in Miami-Dade County based on the approval of product #FL 16057 and the issue was discussed at the August 2013 and again at the October 2013 meeting. Jon Hill of Keystone Certifications Inc. indicated that Keystone is providing quality assurance for Zion tiles and is in the process of correcting any product deficiencies. He also indicated that the complaint alleges the tile does not meet thickness requirements required for the product approval, and his site evaluations indicated the tile is within the parameters of their product approval. At the October meeting the POC decided to take no formal action on the complaint at that time, and instructed Keystone Certifications, Inc. to provide an update on the situation for the December POC meeting.

Subsequently, Jon Hill from Keystone Certifications, Inc. provided a written update that is linked to the December 4, 2013 on-line agenda. Jon indicated that Keystone Certifications, Inc. is working with Zion Tile Corporation of Miami to address any deficiencies in a timely manner. Jon reported that Keystone performed the POC-requested additional site inspection on Monday, November 18th. This inspection included a dimensional evaluation of multiple tiles contained in nine of sixteen pallet/bins from a shipment received at the Zion Tile facility on November 15th, 2013. The measurements taken indicate the tiles conform to the product represented by FL#16057, with dimensional tolerances as defined in ASTM C1167 "*Standard Specification for Clay Roof Tiles*". Samples from this shipment were also selected for independent lab physical testing per the Florida Building Code and ASTM C67, "*Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile*". Keystone also performed an inspection at 1461 Mendavia Ave Coral Gables, Fl. the site of a

recent complaint. Dimensional measurements of the tile found at this site indicated non-conformance with the product represented by FL#16057, however, Zion Tile has agreed to replace the non-conforming tile in accordance with their documented complaint-handling procedures. Keystone will ensure records exist that demonstrate this complaint was resolved per that procedure during our next scheduled annual inspection in 2014. Additionally, Zion Tile has successfully completed testing and is now in the process of applying for Florida Product Approval for the thinner-dimensioned tile.

Legal staff April Hammonds advised that the Product Approval Rule requirements pertaining to alleged product deficiencies instruct that product approval suspensions or revocations shall be initiated for a failure to correct manufacturing deficiencies required to bring the product within specifications of the originally approved product, and that according to their Quality Assurance Entity, Keystone Certifications, Inc., the manufacturer is in process of making the changes prescribed by Keystone to correct identified issues.

There was extensive public comment and discussion on both sides of the issue. April Hammonds, FBC Attorney, advised that the Rule requires that the Commission shall initiate an investigation based on a written complaint containing substantial material evidence by any “substantially affected party”. This is a high threshold to achieve, and typically a “substantially affected party” is determined to be a homeowner impacted by the matter or a building official acting in their official capacity. During the discussions it came to light that Zion Tile and Artezanos, Inc. are currently in litigation. When Mr. Arguelles was asked by Ms. Hammonds how he is a “substantially affected party” he stated that Zion is a competitor underselling him and that Zion is suing him and he is trying to clear his name. On this basis April Hammonds strongly recommended that the proper course of action would be a recommendation to the Commission to close the matter and defer any action pending resolution of the civil litigation. April advised it is inappropriate for the Commission to render recommendations on a matter that has civil litigation pending.

Following questions and answers, and an opportunity for public comment and POC discussion, the POC took the following action:

***POC Actions:***

***MOTION***—The POC voted, 3 – 2\* in favor (60% in favor), to recommend the Commission close the matter and not to consider any actions pertaining to this matter pending resolution of civil litigation between the parties.

\* The motion failed as a result of not achieving the 75% or greater in favor threshold requirement for a consensus recommendation.

***MOTION***—The POC voted, 4 – 1 in favor (80% in favor), to recommend the Commission initiate an investigation regarding FL#16057 in accordance with the provisions of Rule 61G20-3.013 (Revocation or Modification of Product Approvals and Entity Certifications) and 61G20-3.014 (Investigations).

**C.6. ROOFING TAC RECOMMENDATION REGARDING EQUIVALENCY OF FRSA/TRI 07320-5 TO FRSA/TRI FIFTH EDITION**

**C.7. STRUCTURAL TAC RECOMMENDATION REGARDING EQUIVALENCY OF ANSI/DASMA 108-2012 to ANSI/DASMA 108-2005**

The POC combined the two agenda items and discussed them concurrently. It was reported that the Roofing TAC reviewed relevant documentation provided by the proponent of standard equivalency in the Rule regarding FRSA/TRI 07320-5 to FRSA/TRI Fifth Edition and recommended the standards are equivalent. Additionally, the Structural TAC reviewed relevant documentation provided by the proponent of standard equivalency in the Rule regarding ANSI/DASMA 108-2012 to ANSI/DASMA 108-2005 and recommended the standards are equivalent.

Following questions and answers, and an opportunity for public comment and POC discussion, the POC took the following action:

***POC Actions:***

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to recommend that the Commission amend Rule 61G20.3015, Equivalence of Standards, to recognize that FRSA/TRI 07320-5 be recognized as equivalent to FRSA/TRI Fifth Edition for determining Code compliance, and ANSI/DASMA 108-2012 be recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance.

**C.8. POC COMMENTS REGARDING PRODUCT APPROVAL RULES 61G20-3.007 AND 61G20-3.015**

At the December 13, 2013 meeting the Commission will be conducting a rule development workshop pertaining to Rule 61G20-3.007, (Product Approval by the Commission), for the purpose of amending the Rule to approve the proposed new product approval payment screen providing payment to DBPR as the product approval administrator. The POC reviewed the proposed payment screen revision and is recommending the Commission approve the proposed screen as presented. The Commission will also be conducting a rule development workshop pertaining to Rule 61G20.3015, Equivalence of Standards. The POC took action pertaining to providing recommendations regarding Rule 61G20.3015, Equivalence of Standards with actions relevant to agenda items C.6. and C.7., so no further action was needed in this regard.

Following questions and answers, and an opportunity for public comment and POC discussion, the POC took the following action:

**POC Actions**

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to recommend that the Commission amend Rule 61G20-3.007, (Product Approval by the Commission), to incorporate the proposed revised payment screen for product and entity approval applications into the Rule.

**C.9. REQUIREMENTS OF RULE 61G20-3 WITH REGARDS TO PRODUCT TESTING LABORATORIES, SPECIFICALLY THE REQUIREMENTS THAT APPROVAL BE LIMITED TO A SPECIFIC PHYSICAL LOCATION**

At the request of Commissioner Stone staff provided an overview of the four product approval compliance methods, and the specific requirements pertaining to product testing laboratories related to approval being limited to a specific physical location. Mo explained that the Rule provides the requirements relevant to the four compliance methods including those pertaining to product testing laboratories. All of the relevant documentation is linked to the December 4, 2013 Product Approval POC agenda posted on-line.

**D.1. PRODUCT AND ENTITY APPLICATIONS CONSENT AGENDA**

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, 5 - 0 in favor, to recommend the Commission approve the consent agenda of products recommended for approval as posted.

*MOTION*—The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities recommended for approval as posted.

**D.2. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS**

Commissioner Stone presented the products with discussion. There were no products with public comment. Following are the POC's recommendations on the 2 discussion agenda products:

- The POC recommends the Commission approve products 16468-R2 and 16675.

The complete report of POC recommendations on product and entity applications is available linked to the Commission's December 2013 agenda.

**D.3. DBPR APPLICATIONS**

Ted Berman noted that the recommendations for the DBPR applications are linked to the December 4, 2013 Product Approval POC agenda found on-line. Ted noted that one product received substantive comments and the applicant is providing documentation to resolve the issue consistent with the DBPR approval process.

**E.1. PUBLIC COMMENT**

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

One member of the public commented that he had questions pertaining to the product testing laboratories agenda item, and he was referred to speak with staff on the issue.

## **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 initiate an investigation regarding FL#16057 in accordance with the provisions of Rule 61G20-3.013 (Revocation or Modification of Product Approvals and Entity Certifications) and 61G20-3.014 (Investigations).
- 2.) The POC recommends the Commission amend Rule 61G20.3015, Equivalence of Standards, to recognize that FRSA/TRI 07320-5 be recognized as equivalent to FRSA/TRI Fifth Edition for determining Code compliance, and ANSI/DASMA 108-2012 be recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance.
- 3.) The POC recommends the Commission amend Rule 61G20-3.007, (Product Approval by the Commission), to incorporate the proposed revised payment screen for product and entity approval applications into the Rule.
- 4.) The POC recommends the Commission take action on product and entity applications as recommended by the POC and reflected in TBA's POC product and entity approval report.

## **FUTURE AGENDA ITEMS**

- Commissioner Stone requested an agenda item be added to review the Product Approval Rule provisions regarding product approval issues pertaining to the use of portable rollform machines. It was agreed this issue would be deferred to provide time for the issue to be added to the next DBPR rules plan scheduled for fiscal year 2014-2015.

## **NEXT STEPS**

The POC will meet February 6, 2014 to provide recommendations to the Commission on Product Approval System relevant issues for the February 20-21, 2014 Commission meeting.

## **F. ADJOURN**

Commissioner Stone, POC Chair, thanked POC members and the public for their attendance and participation, and adjourned the meeting at 12:18 PM on Wednesday, December 4, 2013 following an unanimous vote of 5 – 0 in favor of adjournment.



**ATTACHMENT I**  
**MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PRODUCT APPROVAL/MANUFACTURED BUILDINGS (POC)**  
**WEDNESDAY, DECEMBER 4, 2013**

**10:00 AM**

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

**WEB URL:**

<https://suncom.webex.com/suncom/j.php?ED=46264408&UID=89569688&RT=MIMxMQ%3D%3D>

**AUDIO: DIAL-IN NUMBER 1-888-670-3525 CONFERENCE CODE: 606 232 6940**

***MEETING OBJECTIVES***

Ø To Consider/Discuss Product Approval Program Issues

Ø To Consider/Discuss Declaratory Statement

➤ To Consider/Decide on Approval of Products and Product Approval Entities

***PRODUCT APPROVAL POC MEMBERS***

Jeffrey Stone-Chair, Herminio F. Gonzalez, Tim Tolbert, Brian Swope, Nanette Dean, David Compton, E.J. Carlson

***MEETING AGENDA—WEDNESDAY, DECEMBER 4, 2013***

*All Agenda Times—including Adjournment—Are Approximate and Subject to Change*

<i><b>10:00AM</b></i>	<b>A)</b>	<b>Call to Order</b> <b>1. Roll call of POC Members</b> <b>2. Identification of Staff/Attendees</b> <b>3. Review and Approval of Agenda</b> <b>4. Statement on Teleconference Participation Process</b>
	<b>B)</b>	<a href="#"><u>Review &amp; Approve Agenda &amp; October 2013 Minutes</u></a>
	<b>C)</b>	<b>Product Approval Program Issues:</b> <b>1. Product Approval &amp; Entities Statistics Report</b> <b>2. Report on conditional approval from the October 2013 meeting</b> <b>3. Report on QA expiration notifications</b> <b>4. To consider, discuss, and provide recommendation for consideration by the Commission regarding DS 2013-046 By Sal Delfino of Petersen Aluminum Corp. (Deferred from October Meeting)</b>

	<p>5. To receive an update from Keystone Certification Inc. with regard to Zion Tile Corp. (FL 16057) compliance with parameters of their state product approval.</p> <p>6. To receive and discuss the Roofing TAC recommendation with regards to the equivalency of FRSA/TRI 0732018-05 to FRSA/TRI Fifth Edition.</p> <p>7. To receive and discuss the Structural TAC recommendation with regard to equivalency of ANSI/DASMA 108-2012 to ANSI/DASMA 108-2005.</p> <p>8. To review comments related to the proposed changes to Rules 61G20-3.007, (Product Approval by the Commission), and 61G20-3.015, (Equivalence of Standards), for the purpose of making recommendations for consideration by the Commission during the Rule Development Workshop to be held in conjunction with the December 13, 2013 Commission Meeting.</p> <p>9. To review and discuss the requirements of Rule 61G20-3 with regards to product testing laboratories, specifically the requirements that approval be limited to a specific physical location.</p> <p>10. To provide a Summary of the Commission's options pertaining to initiating an investigation of products, and for initiating a suspension and/or revocation of products.</p>
	<p><b>D) Ted Berman &amp; Associates Reports:</b></p> <ol style="list-style-type: none"> <li>1. Review of Product Approval &amp; Entity Applications</li> <li>2. Product Approval Applications with Comments</li> <li>3. DBPR Applications</li> </ol>
	<p><b>E) Public/POC/Staff Comments</b></p>
	<p><b>E) <i>Adjourn</i></b></p>

**STAFF CONTACTS:** Robert Benbow, [Robert.benbow@myfloridalicense.com](mailto:Robert.benbow@myfloridalicense.com) , (850) 717-1837; Mo Madani, Manager

**Teleconference Process/Etiquette:** [URL:http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](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.

**ATTACHMENT 2**  
**ENTITIES AND STATISTICS REPORT**

Quality Assurance Contract Expiration Dates Expired	<u>Count</u> 254
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**Product Applications**

	<u>New</u>	<u>Revision</u>	<u>Affirmation</u>	<u>Editorial Change</u>	<u>Totals</u>
Approved	1,230	2,692	610	174	4,706
Applied For	22	28	0	10	60
Denied	3	3	0	0	6
Validated	17	20	0	5	42
Suspended	0	0	0	0	0
Re-Apply	4	1	0	0	5
Pending FBC Approval	37	68	0	3	108
Revoked	0	0	0	0	0
Archived	39	71	301	11	422
Over 180 Days Old and Not Approved, Denied, Validated, or Pending Status	13	15	0	5	33
<b>Totals</b>	<b>1,365</b>	<b>2,898</b>	<b>911</b>	<b>208</b>	<b>5,382</b>

## Products

	<u>New</u>	<u>Revision</u>	<u>Affirmation</u>	<u>Editorial Change</u>	<u>Totals</u>
Approved	3,892	13,708	2,715	1,112	21,427
Applied For	59	223	0	29	311
Denied	4	14	0	0	18
Validated	24	188	0	14	226
Suspended	0	0	0	0	0
Re-Apply	6	58	0	0	64
Pending FBC Approval	105	376	0	3	484
Revoked	0	0	0	0	0
Archived	105	295	1,463	26	1,889
Over 180 Days Old and Not Approved, Denied, Validated, or Pending Status	47	137	0	11	195
<b>Totals</b>	<b>4,242</b>	<b>14,999</b>	<b>4,178</b>	<b>1,195</b>	<b>24,614</b>

## Entities

	<u>Product Accreditation Body</u>	<u>Product Certification Agency</u>	<u>Product Evaluation Entity</u>	<u>Product Quality Assurance Entity</u>	<u>Product Testing Laboratory</u>	<u>Product Validation Entity</u>	<u>Totals</u>
Approved	10	13	6	25	50	13	(117)
Pending	0	0	0	0	1	0	(1)
Pending Accreditation	0	0	0	0	1	0	(1)
Denied	0	0	0	0	0	0	(0)
Suspended	0	0	0	0	0	0	(0)
Expired	3	10	0	19	39	18	(89)
Renewed/Revised	0	19	0	35	75	26	(155)
Totals	13	42	6	79	166	57	(363)

### Search Criteria

Code Version: 2010  
 Dates From and To: ALL