

ISSUE: DCA06-DEC-094. The Petitioner is requesting clarification regarding Rule 9B-72 regarding product test reports.

Question: 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?

Background:

(1) Situation: A testing lab tests a storm panel for example with generic shapes, and components. It would like to sell these test reports to companies that want to make a storm panel to those specifications. This would reduce the cost for these companies to do testing and bring products like this to market.

(2) **9B-72.010 Definitions.**

(33) Test report means a report from an approved testing laboratory which provides performance data showing compliance with a code requirement as determined by a referenced standard test method or equivalent standard test method pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products' use.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(3) Approved Testing Laboratory Criteria. Approval by the Commission is limited to the scope of accreditation established by approve accreditation entities.

(a) An entity shall be approved by the Commission as an approved testing laboratory if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body.

1. Testing laboratories accredited by American Association for Laboratory Accreditation (A2LA) that meet the requirements of the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.
2. Testing laboratories accredited by National Voluntary Laboratory Accreditation Program (NVLAP) that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.
3. Testing laboratories accredited by approved product evaluation entities that meet the requirements of ISO/IEC Guide 17025:

General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C, and approved by the Commission.

4. Testing laboratories accredited by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 17025:

General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

(b) Testing laboratories shall apply to the Commission for approval by filing and application in accordance with subsections 9B-72.130(1) and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the testing laboratory no longer qualifies under current requirements; the accreditation expires, or is removed, or is both expired and removed; or the approval is suspended or revoked.

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

(4) Evaluation Report and Test Report Documentation Requirements. All reports and documentation required in subsections 9B-72.070(1) and (2), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information. When the Code requires a standardized test as a component of a product approval using the evaluation 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) Name and address of the manufacturer, evaluation entity, engineer or architect or testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Complete description of the product, construction method or building system including all drawings, manufacturer's product designation, and materials, except materials specifics identified as proprietary.

(d) Technical documentation, including all substantiating data, supporting the compliance statement. Substantiating data shall include all test reports and calculations which may be referenced within the evaluation report; and

(e) Installation requirements. Installation instructions including attachments shall be developed by an evaluation entity, test lab, or by the manufacturer's licensed design professional.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

Staff Recommendation:

Question: 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: Yes. A manufacturer can use a test report issued by an approved testing lab for the purpose of obtaining product approval as per Rule 9B-72 as long as the product is manufactured in accordance with the test report and an approved QA agency.