

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL POC

AUGUST 8, 2013 TELECONFERENCE MEETING SUMMARY REPORT

THURSDAY, AUGUST 8, 2013

MEETING SUMMARY AND OVERVIEW

At the Thursday, August 8, 2013 teleconference meeting the POC considered and decided on declaratory statement DS 2013-046; recommendations regarding Product Approval rules 61G20-3.001, 3.002 and 3.007; recommendations for possible Commission funded research projects; complaint regarding product #FL 16057; and, product and product approval entity approval applications. In addition, the POC received briefings regarding product approval and entities statistics report; product approval Administrator's performance survey; a status report on RFP for Product Approval System Administrator; 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 August 8, 2013 meeting is as follows:

http://www.floridabuilding.org/fbc/commission/FBC_0813/Product_Approval/PA_Agenda_0813.htm

AGENDA ITEM OUTCOMES

A.1. OPENING AND MEETING ATTENDANCE

The meeting was opened at 10:12 AM once a quorum was established, and the following POC members participated:

Jeff Stone (Chair), Nan Dean, Herminio Gonzalez, and John Scherer.

A.2. DBPR STAFF PRESENT

Jim Hammers, April Hammonds, Ila Jones, Mo Madini, Jim Richmond, and Chip Sellers.

Meeting Facilitation and Reporting

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



CONSENSUS CENTER

A.3. AGENDA REVIEW

See agenda item B.1. below.

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.

B.1. AGENDA REVIEW AND APPROVAL

The POC voted unanimously, 4 - 0 in favor, to approve the agenda for the August 8, 2013 meeting as posted/presented. 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 I.

(See Attachment I—Agenda)

B.2. REVIEW AND APPROVAL OF THE MAY 30, 2013 MINUTES

MOTION—The POC voted unanimously, 4 - 0 in favor, to approve the May 30, 2013 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 linked to the on-line Product Approval POC Agenda.

C.2. PRODUCT APPROVAL ADMINISTRATOR'S PERFORMANCE SURVEY

Mo Madani and Ted Berman reviewed the product approval administrator's performance survey and answered members' comments. All but two of the comments were favorable regarding the performance of Ted Berman and Associates (TBA). Mo noted that one of the comments was related to an applicant's desire to have the administrator walk them through the application. Mo noted the administrator's role is to review the submitted documentation for completeness and to make a recommendation to the POC regarding whether to approve the application based on same. The administrator is always willing to provide reasonable assistance to applicants, but not to complete the application for the applicant. The other comment was related to the BCIS and not to TBA's performance

C.3. STATUS REPORT OF RFP FOR PRODUCT APPROVAL ADMINISTRATOR

Mo Madani reported that the RFP is currently in internal review within DBPR, and he expects the RFP will be approved and issued soon.

C.4. REPORT ON CONDITIONAL APPROVALS FROM JUNE MEETING

Ted Berman noted that the conditional approvals report from the June meeting is linked to the August Product Approval Agenda, and that all but one product approval application with a conditional approval complied with the conditions and have subsequently been approved. Product FL 16323 did not comply with the conditions by the deadline and as a result has been denied.

C.5. REPORT ON QA EXPIRATION NOTIFICATIONS

Ted Berman noted the QA expiration report is linked to the August Product Approval Agenda, and answered members' questions. Ted noted that all expired QA entities have been contacted and those that have responded have either corrected deficiencies or are in the process of doing so.

C.6. 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. All of the relevant documentation is linked to the August 8, 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 Rolforming Machines (PRM). The following are the Petitioner's questions:

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?

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?

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?

Summary of Staff Recommendations:

Questions 1 and 2 are too general in scope for a declaratory statement and their issues can be resolved in the context of the answer to Question #3. The recommended answer to Question #3 is as follows:

Yes. As long as, the metal roofing panels are manufactured in according with the PAC's Product Approval and subject to the quality assurance program for the said approval.

Overview of Discussion During the POC Meeting:

The Petitioner provided the POC with an overview of the issue and noted he would like additional clarification to the staff recommendations. An opportunity was provided for public comment including opportunities for the Petitioner to ask additional questions and provide additional comments. Subsequent to public comment, the POC discussed the issue and during the course of the POC's discussions the Petitioner, Sal Delfino, requested the POC recommend deferral on the Petition so he could amend his Petition to be more specific to what he would like to have clarification on. Mr. Delfino agreed to waive his right to a response within 90 days, and again requested deferral on the Petition to the October 2013 meeting.

POC Actions:

MOTION—The POC voted unanimously, 4 – 0 in favor, to recommend the Commission defer action on the Petition to allow the Petitioner time to amend declaratory statement DS 2013-046.

C.7. POC COMMENTS REGARDING PRODUCT APPROVAL RULES 61G20-3.001, 3.002 AND 3.007

The POC was requested to provide comments and recommendations to the Commission regarding the proposed text for Product Approval Rules 61G20-3.001 (Scope), 3.002 (Definitions), and 3.007 (Product Approval by the Commission). The Commission is conducting a rule development workshop at the August 23, 2013 meeting to adopt changes to the Product Approval System necessary to implement 2013 statutory changes to Section 553.842, F.S., Product Evaluation and Approval, requiring the Commission to initiate rulemaking to create a new category of products for Statewide Product Approval titled: "impact protective systems" (.001 Scope, and .002 Definitions). In addition, products submitted for approval by a product evaluation entity (Method 3) will be approved by DBPR using the 10-business day expedited approval process (.007, Product Approval by the Commission).

Mo Madani provided an overview of proposed text for Rules and answered members' questions. There was extensive public comment on the issue of whether to use the definition for "impact protective system" from ASTM E-06 as recommended by staff, or the definition from ASCE 7-10 as recommended by the International Hurricane Protection Association (IHPA). There was much discussion on both sides of the issue including how this definition would interplay with the requirements for opening protection contained within the High Velocity Hurricane Zone (HVHZ), and the POC decided they would like a recommendation from the Commission's Structural TAC prior to recommending a definition for "impact protective systems."

Following are the two proposed definitions:

ASTM E-1996: **Impact protective system** means construction applied, attached, or locked over an exterior glazed opening system to protect that system from windborne debris during high wind events.

ASCE 7-10: **Impact Protective System:** Construction that has been shown by testing to withstand the impact of test missiles and that is applied, attached, or locked over exterior glazing.

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, 4 - 0 in favor, to recommend the Commission adopt the proposed rule text regarding Product Approval Rules 61G20-3.001 (Scope) and 3.007 (Product Approval by the Commission) as provided by staff and posted.

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission defer action on the proposed definition of “impact protective systems” in the proposed Rule 61G20-3.002 (Definitions) to allow time for the Structural TAC to provide recommendations to the POC.

C.8. RECOMMENDATIONS ON POTENTIAL RESEARCH PROJECTS FOR COMMISSION FUNDING

The Commission requested that all TACs and POCs meet to discuss whether there were any topically code related research projects the Commission should consider funding based on authorized spending authority for research. The POC was asked whether they had any recommendations regarding possible research projects to be funded by the Commission. There were no comments from POC members. The public was offered the same opportunity to propose potential building code related research projects and there were no comments offered. In summary, the Product Approval POC does not currently have any recommendations for the Commission’s funding of potential research projects.

C.9. COMPLAINT REGARDING FL 16057 ZION TILE CORP. DISCUSSION

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. Members of the public were offered opportunities to provide feedback. 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 indicate the tile is within the parameters of their product approval. The POC decided to take no formal action on the complaint at this time, and instructed Keystone to provide an update on the situation for the October POC meeting.

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, 4 - 0 in favor, to receive an update on the issue from Keystone Certifications at the next POC meeting (October 2013).

C.10. MIAMI-DADE MEMO REGARDING FL 1850-R7

Jamie Gascon representing Miami-Dade County reported that Miami-Dade County has issued a memo regarding NOA removals impacting product approval #FL 1850-R7. Jamie noted that there are replacement NOAs for the products in question providing revised design pressures. There was no POC action required.

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. Commissioner Dean requested that product applications 16423 and 13446-R2 be pulled so she could abstain from voting on them since she was the applicant.

POC Actions:

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities recommended for approval as amended.

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of products recommended for approval as revised.

MOTION—The POC voted unanimously, 3 - 0 in favor with Commissioner Dean abstaining, to recommend the Commission approve product applications 16423 and 13446-R2.

D.2. PRODUCT APPROVAL APPLICATIONS WITH COMMENTS

Jeff Blair presented the products with public comment. Following are the POC's recommendations on the five discussion agenda products:

- Product 6286-R2 was withdrawn by the applicant;
- The POC recommends the Commission conditional approve product 15819-R2;
- The POC recommends the Commission conditional approve product 16216-R2;
- The POC recommends the Commission conditional approve product 16406; and,
- The POC recommends the Commission conditional approve product 16462.

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

D.3. DBPR APPLICATIONS

Ted Berman noted that with one exceptions action on DBPR approved applications was as posted. Ted noted that product application 16341 is currently under review. Public comment was received during the meeting regarding product 16381, and as a result this product application is also under review by TBA. Ted indicated that the issues with the two products should be resolved quickly.

POC RECOMMENDATIONS FOR COMMISSION ACTION

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

- 1.) The POC recommends the Commission defer action on the Petition to allow the Petitioner time to amend declaratory statement DS 2013-046.
- 2.) The POC recommends the Commission adopt the proposed rule text regarding Product Approval Rules 61G20-3.001 (Scope) and 3.007 (Product Approval by the Commission) as provided by staff and posted.
- 3.) The POC recommends the Commission defer action on the proposed definition of “impact protective systems” in the proposed Rule 61G20-3.002 (Definitions) to allow time for the Structural TAC to provide recommendations to the POC.
- 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.

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: noted that there is an issue with some previously approved products related to ambiguities resulting from not having a “materials” product category, and he will add the issue to the POC’s October 2013 agenda for discussion.

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.

NEXT STEPS

The POC will meet in October to provide recommendations to the Commission on Product Approval System relevant issues for the October 2013 Commission meeting.

F. ADJOURN

Commissioner Stone, POC Chair, thanked POC members and the public for their attendance and participation, and adjourned the meeting at 12:01 PM on Thursday, August 18, 2013 following an unanimous vote of 4 – 0 in favor of adjournment.

ATTACHMENT I
MEETING AGENDA

FLORIDA BUILDING COMMISSION
PRODUCT APPROVAL/MANUFACTURED BUILDINGS (POC)
THURSDAY, AUGUST 8, 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=229399012&UID=1594342582&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, John J. Scherer, Brian Swope, Nanette Dean.

MEETING AGENDA—THURSDAY, AUGUST 8, 2013

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

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| <i>10:00AM</i> | A) | <p>Call to Order</p> <ol style="list-style-type: none"> 1. Roll call of POC Members 2. Identification of Staff/Attendees 3. Review and Approval of Agenda 4. Statement on Teleconference Participation Process |
| | B) | <u>Review & Approve Agenda & May 2013 Minutes</u> |
| | C) | <p>Product Approval Program Issues:</p> <ol style="list-style-type: none"> 1. <u>Product Approval & Entities Statistics Report</u> 2. <u>Product Approval Administrator’s Performance Survey</u> 3. Status report of the RFP 4. <u>Report on conditional approval from the June meeting.</u> 5. <u>Report on QA expiration notifications</u> 6. To consider and discuss <u>DS 2013-046</u> by Sal Delfino of Peterson Aluminum |

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| | | <p>Corp. and provide recommendation for consideration by the Commission. (Staff Analysis)</p> <p>7. To review comments related to the proposed changes to Rules 61G20-3.001, 61G20-3.002 and 61G20-3.007 for the purpose of making recommendations for consideration by the Commission during the Rule development Workshop to be held in conjunction with the August 22-23, 2013 Commission meeting. New Category Product Application and New Category Product Search.</p> <p>8. To discuss and recommend potential research topics for consideration by the Commission.</p> <p>9. To review and discuss complaint filed by Dan Arguelles with regard to FL 16057 Zion Tile Corp. Alhambraletter Arguelles John Hill Arzentos Letter and Table Photos Goolsby</p> <p>10. To review and discuss Miami-Dade's memo regarding Fl 1850-R7</p> |
| | D) | <p>Ted Berman & Associates Reports:</p> <ol style="list-style-type: none"> 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> |

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