

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL POC

JULY 23, 2020 TELECONFERENCE MEETING SUMMARY REPORT

THURSDAY, JULY 23, 2020

MEETING SUMMARY AND OVERVIEW

At the Thursday, July 23, 2020 teleconference meeting the POC considered regular procedural issues including product approval and entities statistics reports; a status report on conditional approvals from the June 2, 2020 Commission meeting, indicating that all of the applications are now resolved and approved; review and approval of product and entity applications; a review of DBPR approved product approval applications. Specific actions included recommending the Commission: 1.) Dismiss the complaint against Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products on the basis that the product is outside the scope of the Product Approval Rule and the Commission's authority; 2.) Dismiss the complaint and not initiate an investigation regarding the complaint submitted against the International Association of Plumbing and Mechanical Officials (IAPMO) by Dermot Ennis of International Insulation Products on the basis that there is not substantial material evidence of a violation of the applicable provisions of the Product Approval Program by IAPMO; and, 3.) Take action on product and entity applications as recommended by the POC and reflected in DBPR staff's product and entity approval reports.

Background and Supporting Documents

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the July 23, 2020 meeting is as follows:

http://www.floridabuilding.org/fbc/commission/FBC_0820/Product_Approval/Product_Approval_Agenda.htm

AGENDA ITEM OUTCOMES

A. 1. STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS

Jeff Blair reviewed the teleconference participation process with participants reminding them that it is important for participants to keep their phones or computer microphones 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. Participants were reminded to state their names each time they speak.

A. 2. OPENING AND MEETING PARTICIPATION

The meeting was opened at 10:00 AM, and roll call determined a quorum of the members were present. The following POC members participated (5 of 6 members):

David Compton, Nan Dean, Robert Hamberger, Jeff Stone, and Brian Swope.

Members Absent: David Gilson.

A. 3. DBPR STAFF PARTICIPATING

Zubeyde Binici, Tom Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

Meeting Facilitation and Reporting

Product Approval POC meetings are facilitated and meeting summary reports drafted by Jeff Blair from Facilitated Solutions, LLC. Information at: <http://facilitatedsolutions.org>.



A. 4. AGENDA REVIEW

The POC voted unanimously, 6 - 0 in favor, to approve the agenda for the July 23, 2020 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider/Discuss Product Approval Program Issues.
- To Consider/Decide on Approval of Products and Product Approval Entities.

Amendments:

There were no amendments to the posted Agenda.

The complete Agenda is included as “Attachment 1”.

(See Attachment 1—Agenda)

B. REVIEW AND APPROVAL OF THE MAY 21, 2020 MINUTES AND FACILITATOR’S SUMMARY REPORT

MOTION—The POC voted unanimously, 6 – 0 in favor, to approve the May 21, 2020 meeting minutes and Facilitator’s Summary Report as posted/presented.

Amendments:

*None were offered.

C. 1. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT

Zubeyde Binici reviewed the product and entities statistics reports with participants and answered members’ questions. Zubeyde reported that the total number of product approval applications approved to the 2017 Code is 7,168 (7,918 total in the System), the total number of products approved to the 2017 Code is 30,501 (33,700 total in the System), and the total number of entities approved to the 2017 Code is 120 (412 total in the System). The reports are linked to the Product Approval POC’s agenda.

C. 2. REPORT ON CONDITIONAL APPROVALS FROM THE JUNE 2, 2020 FBC MEETING

Jeff Stone, POC Chair, noted that all of the relevant conditions were met for each of the conditional approvals reported at the June 2, 2020 Commission meeting, and are now approved.

C. 3. COMPLAINT AGAINST IAPMO AND FI FOIL COMPANY

Justin Vogel reported that a complaint was submitted against the International Association of Plumbing and Mechanical Officials (IAPMO) and Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products. Justin reviewed the provisions of Rule 61G20-3.001 (Scope) regarding whether the product in question is within the scope of the state Product Approval system limiting approvals to products and systems that comprise the building envelope and structural frame.

The complainant Dermot Ennis was provided an opportunity to speak on the issue, and agreed that the product in question was outside the scope of the Rule.

It was determined by the POC that the product was outside the scope of the Rule and Commission's authority, and the POC would recommend that the Commission dismiss the complaint against Fi Foil Company, Inc. on the basis that the product is outside the scope of the Product Approval Rule and the Commission's authority.

Justin then reviewed the provisions of Rule 61G20-3.014 (Investigations) for initiating investigations against entities. Investigations of entities shall be by its accrediting body. IAPMO is an evaluation entity and its accrediting body is ANSI. It was also noted that IAPMO had cancelled the evaluation report (ER-291) in July of 2020, Fi Foil Company's product evaluation report for the product in question.

Next, Justin reviewed the provisions of Rule 61G20-3.013 (2)(a) (Revocation or Modification of Product Approvals and Entity Certifications) regarding revocation or suspension of Commission approved entities, and the basis for which a violation of applicable provisions of the Product Approval Program by a Commission approved entity could be evaluated. The POC reviewed each of the seven Rule provisions in turn, and determined that there was not substantial material evidence that any of these provisions were violated. Several commissioners felt that there were valid concerns in the complaint, but in so far as the Commission's authorities allow there were no violations of the Product Approval Rule.

Following the opportunity provided for questions and answers, hearing from the complainant (Dermot Ennis), hearing from IAPMO representatives, public comment and POC member discussion, the POC took the following actions:

POC Actions:

MOTION—The POC voted unanimously, 6 - 0 in favor, to recommend that the Commission dismiss the complaint against Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products on the basis that the product is outside the scope of the Product Approval Rule and the Commission's authority.

MOTION—The POC voted unanimously, 6 - 0 in favor, to recommend that the Commission dismiss the complaint and not initiate an investigation regarding the complaint submitted against the International Association of Plumbing and Mechanical Officials (IAPMO) by Dermot Ennis of International Insulation Products on the basis that there is not substantial material evidence of a violation of the applicable provisions of the Product Approval Program by IAPMO.

Staff Assignment

If available and public, distribute a report on the Florida Attorney General's investigation into IAPMO and distribute to the POC members.

D. 1. PRODUCT AND ENTITY APPLICATIONS CONSENT AGENDA

Jeff Stone, POC Chair, presented the consent agenda for entities by asking if any participant or POC members wished to have any entity applications pulled from the consent agenda for individual consideration. There were no entity applications pulled for individual consideration. Jeff Stone presented the consent agenda for approval of products by asking if any participant or POC member wished to have any applications pulled from the consent agenda for individual consideration. There were no product approval applications pulled for individual consideration.

POC Actions:

MOTION—The POC voted unanimously, 6 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities (9) recommended for approval as posted.

MOTION—The POC voted unanimously, 6 - 0 in favor, to recommend the Commission approve the consent agenda of products (127) recommended for approval to the 2017 Code.

PRODUCT APPROVAL APPLICATIONS PULLED FROM THE CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION

There were no products pulled from the consent agenda for individual consideration.

D. 2. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS

Jeff Blair presented the products with discussion and public comment. Following are the POC's recommendations on the (2) product approval applications submitted for approval to the 2017 Code with public comment:

- The POC recommends the Commission conditionally approve product FL 32364 based on the conditions requested by the applicant (6 – 0 in favor).
- The POC recommends the Commission conditionally approve product FL 32407 based on the conditions requested by the applicant (6 – 0 in favor).

D. 3. DBPR APPLICATIONS

Jeff Stone noted that there were a total of 92 DBPR applications including 6 applications with comments submitted for approval to the 2017 Code and all are approved. Staff's DBPR Applications Report indicated that the applications with comments have been resolved to staff's satisfaction (either the application was revised or no change was needed) and no further action was required for approval of the products.

All of the recommendations for the DBPR applications are linked to the July 23, 2020 Product Approval POC agenda posted on the BCIS.

E. 1. PUBLIC COMMENT

Jeff Stone invited members of the public to address the Product Approval POC on any issues under the POC's purview.

Public Comments:

- There were no Public comments.

E. 2. POC MEMBER COMMENT

Jeff Stone invited POC members to offer any general comments to the POC.

- There were no substantive POC member comments.

E. 3. STAFF MEMBER COMMENT

Jeff Stone invited DBPR staff members to offer any general comments to the POC.

- There were no staff comments.

POC RECOMMENDATIONS FOR COMMISSION ACTION

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

- 1) The POC recommends that the Commission dismiss the complaint against Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products on the basis that the product is outside the scope of the Product Approval Rule and the Commission's authority.
- 2) The POC recommends that the Commission dismiss the complaint and not initiate an investigation regarding the complaint submitted against the International Association of Plumbing and Mechanical Officials (IAPMO) by Dermot Ennis of International Insulation Products on the basis that there is not substantial material evidence of a violation of the applicable provisions of the Product Approval Program by IAPMO.
- 3) The POC recommends the Commission take action on product and entity applications as recommended by the POC and reflected in DBPR staff's product and entity approval reports.

NEXT STEPS

The POC will meet October 1, 2020 to provide recommendations to the Commission on Product Approval System relevant issues for the October 13, 2020 Commission meeting.

(See Attachment 2—POC Meeting Schedule)

F. ADJOURN

After a closing roll call confirmed that the POC retained a quorum, Jeff Stone, POC Chair, thanked POC members, staff and the public for their attendance and participation, and adjourned the meeting at 11:25 AM on Thursday, July 23, 2020.

ATTACHMENT 1
MEETING AGENDA

FLORIDA BUILDING COMMISSION
PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE (POC)

THURSDAY, JULY 23, 2029—10:00 AM
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
2601 BLAIR STONE ROAD—TALLAHASSEE, FLORIDA 32399

MEETING OBJECTIVES

- To Consider/Discuss Product Approval Program Issues
- To Consider/Decide on Approval of Products and Product Approval Entities

PRODUCT APPROVAL POC MEMBERS

Jeff Stone-Chair, David Compton, Nanette Dean, David Gilson, Robert Hamberger, and Brian Swope.

MEETING AGENDA— THURSDAY, JULY 23, 2020

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

<i>9:00AM</i>	A)	Call to Order 1. Statement on Teleconference Participation Process 2. Roll call of POC Members 3. Identification of Staff/Attendees 4. Review and Approval of Agenda
	B)	Review & Approve May 21, 2029 Minutes and Facilitator Summary Report
	C)	Product Approval Program Issues: 1) Product Approval & Entities Statistics Report 2) Report on conditional approvals from the June 2, 2020 meetings. <i>(All conditional approval requirements were met)</i> 3) Complaint against the International Association of Plumbing and Mechanical Officials (IAPMO) and Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products.
	D)	Department of Business and Professional Regulation Reports: 1. Review of Product Approval & Entity Applications 2. Product Approval Applications with Comments 3. DBPR Applications
	E)	Public/POC/Staff Comments
	F)	<i>Adjourn</i>

ATTACHMENT 2
PRODUCT APPROVAL POC MEETING SCHEDULE

FY 2020-2021 SCHEDULE	LOCATION
July 23, 2020	Tallahassee/DBPR and via Teleconference/Webinar
October 1, 2020	Tallahassee/DBPR and via Teleconference/Webinar
December 7, 2020	Tallahassee/DBPR and via Teleconference/Webinar