

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL VALIDATION WORKSGROUP

REPORT TO THE FLORIDA BUILDING COMMISSION

AUGUST 22, 2005

Miami Lakes, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL VALIDATION WORKGROUP REPORT AUGUST 22, 2005

OVERVIEW

Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, made appointments to the Product Approval Validation Work Group and they are listed below. Members are charged with representing their stakeholder group's interests, and working with other interest groups to develop a consensus package of recommendations for submittal to the Florida Building Commission.

Chairman Rodriguez appointed a workgroup, per legislative assignment, to review the issue of third party validation and report back to the Commission. The Chair assigned Jeff Blair to work with DCA staff to conduct the meetings.

Chairman Rodriguez stated that the purpose and charge for the Product Approval Validation Workgroup is to review the role of the third party validators in the product approval process, and to make recommendations back to the Commission regarding to what extent the validators should review the technical documentation substantiating compliance with the Florida Building Code. The Chair instructed, that the review the Workgroup is charged to conduct is not related to the Commission's contracted administrator's role, and that the administrator's role is and remains under the purview of the Product Approval POC and the Commission.

The Florida Building Commission shall convene a workgroup composed of at least 10 stakeholders in the state system of product approval, which may include a maximum of three members of the commission to ensure diverse input. The workgroup shall study the recommendation that the state be served by a single validation entity for state approval, which study shall include, but not be limited to, the recommendation's feasibility, qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator. The workgroup shall conduct its proceedings in an open forum subject to comment from the public at each meeting.

Members and Representation

Architects

Larry Schneider

Contractors

Ed Carson

Evaluators

John Hill, Sig Valentine

Building Officials

Bill Dumbaugh, Herminio Gonzalez

Engineers

Jimmie Buckner

Product Manufacturers

Tim Collum, Craig Parrino

Insurance

Do Kim

REPORT OF THE AUGUST 22, 2005 MEETING

Opening and Meeting Attendance

Jeff Blair, Commission Facilitator, opened the meeting at approximately 11:00 AM, and the following Workgroup members were present:

Jimmy Buckner, Ed Carson, Bill Dumbaugh, Herminio Gonzalez, Do Kim (did not vote during meeting), Craig Parrino, and Sig Valentine.

DCA Staff Present

Rick Dixon, Dennis Harquail, Mo Mandani, Jim Richmond, and Betty Stevens.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: <http://consensus.fsu.edu/>

Project Webpage

Information on the project, including agenda packets, meeting reports, and related documents may be found at the project webpage: <http://consensus.fsu.edu/FBC/pavwg.html>

Agenda Review

Jeff Blair reviewed the agenda with members and the public. The agenda included the following objectives:

- To Review and Adopt Work Group Procedures and Guidelines
- To Hear an Overview of Workgroup Charge and Scope
- To Review Existing Rule 9B-72 Provisions
- To Review PAWG Recommendations
- To Propose Additional Options for Evaluation
- To Identify Any Additional Related Issues
- To Evaluate, Rank, and Refine Proposed Options
- To Consider Public Comment
- To Identify Needed Next Steps and Agenda Items For Next Meeting

Work Group's Decision-Making Procedures and Meeting Guidelines

Jeff Blair reviewed the procedural guidelines and decision-making procedures that will be used during the course of the process, including the 75% favorable vote threshold requirement for consensus recommendations to the Commission.

Meeting Process Overview

Jeff Blair reviewed the Workgroup's charge and scope as defined in statute and initiated by Chairman Rodriguez (details on page 1 of this report). The Workgroup members were asked to evaluate the existing Rule 9B-72 language regarding validation, the Product Approval Workgroup's recommendation for validation, and to propose additional validation options for

evaluation. In addition, members of the public were provided an opportunity to propose additional options as well as comment on the options.

During the meeting, members were asked to develop and rank options, and following discussions and refinements, to propose specific refinements to address their reservations. The following scale was utilized for the ranking exercises:

Acceptability Ranking Scale	4 = acceptable, I agree	3 = acceptable, I agree with <i>minor reservations</i>	2 = not acceptable, I don't agree unless <i>major reservations</i> addressed	1 = not acceptable
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Following are the options evaluated, the acceptability ranking of the options, and member's reservations regarding the options:

1. Commission adopted Rule 9B-72 provisions:

72.080 Product Validation by Approved Validation Entity for State Approval. Validation of compliance with the Code shall be performed by approved validation entities through the following steps: (1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.070, F.A.C., are met and that all documentation is in order. (2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(3), F.A.C. (3) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code. (4) Products listed by approved certification agencies as complying with standards established by the Code shall be approved by the Commission absent compliance with this section.

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
Initial Ranking 8/22/05	0	0	0	6

Members Reservations:

- This process does not work as demonstrated by the existing state of the system.
- The reviewers are not qualified to perform the validation.
- The engineers are not providing adequate oversight of the validation process.
- No Definition of Technical review is provided.
- Scope of validation is not clearly defined.
- Testing labs are allowed to self validate, and this needs re-evaluation.
- The concept of peer review has changed from an administrative review to a technical review.
- Electronic seal is needed for this process to work.
- Need to level the playing field for validation.
- There is a need to better define the validation function.

Public Comment:

- Need to clarify the type of documentation required for submittal.
- Current review by A&A looks at the Sign & Sealing of the documents.
- Certification Agencies without PE on staff are validating products, and this is not appropriate.
- Rational analysis requires a PE/RA sign an seal to be valid.
- Validators are validating their own work.
- Need a checklist for the validation entity to use.
- How do you validate a product without a technical review, this is not appropriate.
- Certification agencies should have a PE on staff to ensure proper validation.

2. Product Approval Workgroup recommendation:

Validation Entity. Seek statutory authority to eliminate the third party validation entity in the validation process, and require the Product Approval System Administrator to conduct this function. The Commission will develop a set of criteria for reviewing each of the four compliance options.

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial Ranking 8/22/05</i>	4	2	0	0

Reservations:

- Can a single administrator perform this function adequately?
- Can the administrator sub contract this job, or do they have to perform in-house?
- Need to clarify and revise the qualifications of the administrator to ensure they are qualified to perform this function.

3. Validation is a Technical Review.

Once validation and the validation process is defined, require validation to be a technical review in addition to the administrative aspects of the process.

Note: This is not a stand alone option, and it should be added to the final validation version.

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial Ranking 8/22/05</i>	5	1	0	0

Reservations:

- Validation is not purely technical, it also includes administrative aspects.

Public Comment:

- The Definition of validation needs more detail. i.e. - Validation is a Technical Review. Additional details should be provided.

4. Products listed by approved certification agencies as complying with standards established by the Code shall be approved by the Commission absent compliance with this section.

Note: This is not a stand alone option, and it should be added to the final validation version.

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial Ranking</i> <i>8/22/05</i>	1	4	1	0

Reservations:

- If validation is a technical review than a PE/RA must perform. I am opposed to providing an exemption of CA's.
- Need validation for certification agencies as well.
- Certification agencies can be exempt as long as they are reviewed by a third party.
- Verify document for approval
- Certification Agencies must have a Florida PE on board to validate.