

Requests for Declaratory Statement on Rule 9B-72

11/17/04

DCA No.	Code	Question	Response
DCA02-DEC-142	Rule 9B-72	Testing in an in-house manufacturer's facility.	Certification of independence is applicable to a testing laboratory when such laboratory is also the entity issuing the test report demonstrating compliance with the standard specified in the code. If the testing laboratory is not issuing the test report or the evaluation report, it is not required to meet the criteria for certification of independence and may be a manufacturer's in-house facility. Testing at a manufacturer's in-house facility is acceptable as long as the code compliance certification is prepared by an evaluation entity, certification agency, or testing laboratory approved per Florida Law and Rule 9B-72.
DCA03-DEC-083	Rule 9B-72	Is testing at a manufacturer's in-house facility acceptable?	See DCA03-DEC-142: Testing at a manufacturer's in-house facility is acceptable as long as the code compliance certification is prepared by an evaluation entity, certification agency, an approved testing laboratory, or a Florida registered architect or engineer. Certification of independence is applicable to a testing laboratory when such laboratory is also the entity issuing the test report demonstrating compliance with the standard specified in the code. An evaluation from an approved evaluation entity or Florida registered architect or engineer may determine compliance with the Code based on data obtained from testing at a manufacturer's in-house facility using a test report that doesn't certify code compliance (not applicable to the HVHZ).

DCA03-DEC-296	FS 553.842(3) and (4)	Are installers required to submit signed and sealed drawings of a product approved for statewide use for evaluation by a local jurisdiction when seeking a building permit?	A local jurisdiction is only authorized to obtain proof of statewide approval for the approved products being used in a manner that is consistent with the limitations of the approval. The applicant is not required to submit signed and sealed drawings of such a product.
DCA04-DEC-034	2301, 2314	Are glued, laminated timber products meeting ANSI/AITC A190.1 exempted from product approval?	Sections 2301 and 2314 provide specification standards for structural glued laminated timber and require such products be manufactured, inspected and marked. Local approval may be achieved through building plans review and inspection providing such products are inspected by an approved inspection agency. Glued laminated timber manufactured for use in the HVHZ is required to demonstrate compliance with s. 2315.1.2 in accordance with Rule 9B-72.
DCA04-DEC-051	Rule 9B-72	Are signed and sealed drawings of state approved panels and shutter protection systems required for each permit?	Local jurisdictions are authorized to obtain proof of state approval for products which are being used in a manner consistent with the limitations of use and installation instructions identified with the state approval. Signed and sealed drawings are not required for such products.
DCA04-DEC-066	424.2.17, Rule 9B-72	Are self-closing and self-latching devices designed to be retrofitted on sliding doors of swimming pool barriers structural components?	The devices are not listed in Rule 9B-72.010(29) and therefore are not covered by Rule 9B-72.

DCA04-DEC-069	Rule 9B-72	Does a low slope metal roofing panel applying for state product approval have to comply with Chapter 15, and or 16 of the Code?	The roof must comply with both chapters 15 and 16.
DCA04-DEC-069 Continued	Rule 9B-72	Are parts of a pre-engineered metal building consisting of a structural frame and metal skin for roof and/or panel walls required to meet Rule 9B-72?	See DCA04-DEC-070.
DCA04-DEC-069 Continued	Rule 9B-72	Are field tests required for each permit issued under local product approval for products subject to standardized field testing procedures?	No, however, a field test may be required in the standards referenced in the Florida Building Code.
DCA04-DEC-069 Continued	Rule 9B-72	Does a structural component in Rule 9B-72 include a pre-engineered A/C stand attached to a structure?	Yes, pre-engineered A/C stands attached to the structure meet the definition of a structural component in Rule 9B-72.010(28).
DCA04-DEC-069 Continued	Rule 9B-72	Is it a requirement for a product certification agency to review and approve, and/or supply the certification label used to demonstrate compliance with Rule 9B-72 for windows?	As per s. 1707.4.2 of the Florida Building Code, approval of the label is by the authority having jurisdiction. Per Rule 9B-72.010(19), the label can be provided by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product approval.

DCA04-DEC-069 Continued	Rule 9B-72	Must the label identify the product's limitation of use and that it is state approved?	Labels are not required to list limitations of use; however, windows must list a performance rating. Labels are not required to show state product approval.
DCA04-DEC-069 Continued	Rule 9B-72	How can a field inspector verify that field provided installation instructions are specific to the product tested for state approved windows?	Outside the scope of Rule 9B-72.
DCA04-DEC-069 Continued	Rule 9B-72	Must installation instructions have fastener spacing and type equal to that used in testing for certification to ANSI/AAMA/NWDA 101/IS2-97 be posted on the BCIS web site?	(1) Installation instructions are not required for the certification compliance method. (2) For the test report method, the spacing must be equal to the test and posted on the BCIS. (3) For the evaluation report methods, spacing may vary based on the evaluation. Installation instructions are required in the report on the BCIS.
DCA04-DEC-069 Continued	Rule 9B-72	Are original signed and sealed copies of the substantiating data evaluated by an engineer required to be on file for state product approval?	Yes, original engineer signed and sealed copies of the substantiating data for evaluation are required to be on file.
DCA04-DEC-069 Continued	Rule 9B-72	Is the product validation entity restrained from reviewing test results to the referenced standard when validating a product submitted for state approval?	The product validation entity is not restrained from reviewing test results to the referenced standard when validating a product for state approval.

DCA04-DEC-069 Continued	Rule 9B-72	How can a product with different limitations of use for the HVHZ and non-HVHZ be posted on the BCIS? Must the authority having jurisdiction verify how to use the product in both areas? Should there be a separate table for working load maximum capacities for HVHZ and for non-HVHZ areas?	Outside the scope of Rule 9B-72.
DCA04-DEC-069 Continued	Rule 9B-72	May an evaluation and validation of a product be done by the same architect or engineer?	Rule 9B-72.110(4) does not allow the Florida registered architect or professional engineer performing the evaluation to have, or acquire, a financial interest in any other entity involved in the approval process of the product.
DCA04-DEC-069 Continued	Rule 9B-72	Does the receipt of a professional fee constitute “a financial interest” for service rendered by an architect or engineer?	A fee for services rendered to a manufacturer/company does not constitute a financial interest in the manufacturer/company.
DCA04-DEC-069 Continued	Rule 9B-72	Does a building official conduct an administrative or technical review when validating an evaluation for local product approval?	Building officials may require verification reviews, (engineering technical reviews) of documentation for all products evaluated by Florida licensed engineers and architects. Such verification is administrative in nature and does not require supervision by a professional engineer. Verifications of listings by approved certification agencies is administrative in nature.

DCA04-DEC-069 Continued	Rule 9B-72	Can rational or comparative analysis be allowed to change the performance level of a product and conditions or limitations of use for a window with state approval?	The system allows for products to be used in specific projects outside the limitations and conditions established by local and state approval of documentation. Building officials may require demonstration that the product will comply with the requirements of the Code specific to a project by requiring demonstration of compliance by the appropriate method.
DCA04-DEC-070	Rule 9B-72	Are large metal buildings of specifically designed, integrated set of components and assemblies forming a building shell a subcategory in Rule 9B-72?	Custom fabricated buildings do not require separate approval for individual buildings; however, steel deck diaphragms, siding, sheathing, windows, doors, and other structural components listed in Rule 9B-72 are subject to the requirements of the Rule.
DCA04-DEC-117	Rule 9B-72	Are quality assurance entities approved to issue labels or listings for windows, sliding glass doors, and glass patio doors under Rule 9B-72.010(19) and (20), and s. 1707.4.2 Florida Building Code?	Rule 9B-72 does not approve quality assurance entities to issue labels for exterior windows, sliding glass doors, and glass patio doors. Section 1707.4.2 of the Florida Building Code requires an “approved label.” Where not specifically addressed in Rule 9B-72, “approved” means approved by the building official. Accreditation to ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection, and state approval of quality assurance entities may be used as criteria for determining “nationally recognized.”

DCA04-DEC-117 Continued	Rule 9B-72	What criteria, or accreditation requirements, are used to approve quality assurance agency, testing laboratory, evaluation entity or a Florida licensed architect or engineer to issue a label, seal, or symbol or other identifying mark? Are quality assurance agencies, testing laboratories, evaluation entities or a Florida licensed architect or engineer approved to issue a label, seal, symbol or other identifying mark? What accreditation requirements apply for approval?	Section 553.842(6)(a) Florida Statutes and Rule 9B-72 only authorize recognition of a certification mark by an approved certification agency and do not require labeling of products by other entities and do not establish minimum requirements for quality assurance agencies, test laboratories, evaluation entities or Florida licensed engineers and architects to be approved to issue a label, seal, symbol or other identifying mark.
DCA04-DEC-117 Continued	Rule 9B-72	Under Rule 9B-72, are engineers and architects allowed to function as a quality assurance agency? If yes, are they required to meet the ISO requirements under Rule 9B-72.100(5) and (6)(a)? Are they exempt from record keeping requirements?	Florida licensed engineers and architects are allowed to be quality assurance entities. Florida licensed engineers and architects seeking approval as quality assurance entities are required to be accredited to ISO/IEC Guide TR 17020:1998. Florida licensed engineers and architects approved as quality assurance agencies are exempt from the record keeping requirements of ISO/IEC Guide TR 17020:1998 but must comply with the record keeping requirements of Florida law.

DCA04-DEC-117 Continued	Rule 9B-72	Are engineers and architects who approved to validate product applications required to meet the remainder of the requirements of Rule 9B-72.100(2)? Are they exempt from record keeping requirements?	Florida licensed engineers and architects are exempt from the remainder of the requirements of Rule 9B-72.100(2). Florida law requires record retention. There is no specific exemption within the law or rule.
DCA04-DEC-117 Continued	Rule 9B-72	Are engineers or architects permitted to evaluate products to standards other than those required by the Florida Building Code?	Where the Florida Building Code adopts or specifies a standard method (test, comparative or rational analysis) for evaluating a product's compliance, that standard must be used. Other methods of evaluation cannot be used unless demonstrated to be equivalent to the required standard method.
DCA04-DEC-117 Continued	Rule 9B-72	Are engineers or architects permitted to evaluate windows or doors for compliance with the Florida Building Code using a test report from another manufacturer on a different product?	Rule 9B-72.070(2)(a) and (b) does not apply to windows, sliding and patio glass doors. Reconciling Rule 9B-72.070(1)(c) and (d) with s. 553.842(2) Florida Statutes and ANSI/AAMA/NWWDA 101/IS 2-97 or TAS 202 limits the basis of evaluation reports to testing and comparative analysis of like products to a single manufacturer. Architects and engineers are not allowed to evaluate windows, sliding and patio glass doors using a test report from another manufacturer on a different product.
DCA04-DEC-117 Continued	Rule 9B-72	Are comparative or rational analysis methods that are not listed or referenced in the Florida Building Code but are performed in accordance with accepted engineering practice allowed for windows and doors?	The building official may use alternate methods, s. 104.7 Florida Building Code, and non-standard comparative or rational analysis and evaluation report of Rule 9B-72.040(3) to approve performance ratings other than the largest size tested rating for windows and glass doors. Otherwise, the building official may accept calculations conducted in accordance with AAMA 203 or equivalent standardized comparative or rational analysis method reported in an evaluation report.

DCA04-DEC-117 Continued	Rule 9B-72	Are comparative or rational analysis methods that are not listed or referenced in the Florida Building Code but are performed in accordance with accepted engineering practice allowed for windows and doors? Continued.	The Florida Building Commission cannot approve performance ratings determined by accepted engineering practice pursuant to Rule 9B-72.070(2). The Commission can approve ratings base only on the “largest size” tested rating (rating determined by tests of the specific size specimen or calculations conducted in accordance with AAMA 203 or equivalent standard) for windows and glass doors of sizes other than the tested size.
DCA04-DEC-117 Continued	Rule 9B-72	Are the installation instructions for windows and sliding glass doors required to be submitted to the AHJ for local product approval for Rule 9B-72.040(2)(a)(b)(c) and (d)?	Rule 9B-72.040(2)(a) allows approval of products based on certification mark or listing only; therefore installation requirements must only be submitted via the listing. Rule 9B-72.040(5) is silent on minimum requirements for test reports; therefore, determination of what is “verifiable documentation” required by Rule 9B-72.040(2)(b) is determined by the authority having jurisdiction. For Rule 9B-72.040(2)(c) and (d), Rule 9B-72.040(5) requires installation requirements to be included as “verifiable documentation” that the product complies with the Code as part of the evaluation report.
DCA04-DEC-117 Continued	Rule 9B-72	Does Rule 9B-72.030 and Rule 9B-72.040 conflict with s. 553.843(5), Florida Statutes, by eliminating the option of approval of windows and doors through the plans review and inspection process?	Rule 9B-72.030 and Rule 9B-72.040 do not conflict with s. 553.843(5), Florida Statutes. Section 553.843(5), Florida Statutes applies to products for which the Code establishes prescriptive standards. Windows and doors have performance requirements and standard tests for demonstrating performance established by the Code. Further, section 553.843(6), Florida Statutes, requires that local officials and the Commission must use s. 553.842(6)(a) or (b) which correlate with Rule 9B-72.040(2) and (3) for approval of windows and doors.

DCA04-DEC-123	Rule 9B-72	Do quonset hut metal buildings qualify as a subcategory?	See DCA04-DEC-070: separate approval of custom fabricated buildings is not required for Rule 9B-72. Steel deck diaphragms, siding, sheathing, windows, doors and other structural components are subject to Rule 9B-72.
DCA04-DEC-157	Rule 9B-72	Which category in Rule 9B-72.060 is used for listing component hardware for exterior doors?	Component hardware for exterior doors falls under the category, structural component. However, exterior door component hardware does not need separate approval under Rule 9B-72 if the hardware is part of an approved door assembly.
DCA04-DEC-161	Rule 9B-72	Does a roof access hatch qualify as a subcategory?	See DCA04-DEC-069: a pre-engineered hatch attached to the structure meets the definition of a structural component.
DCA04-DEC-163	1707.4.2.2	Is a supplemental label that indicates a higher allowable design pressure than tested, on smaller windows, acceptable without testing?	See DCA04-DEC-117 with the exception that TAS 202 allows for rational analysis.

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