

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

BUCKEYE TECHNOLOGIES, INC.,

Case #: DCA08-DEC-201

Petitioner.

\_\_\_\_\_ /

**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Michael J. Schultz, P.E., of Buckeye Technologies, Inc., which was received on July 11, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

**Findings of Fact**

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner manufactures construction products for use in projects within the State of Florida to which the Florida Building Code applies.
3. Specifically, the Petitioner manufactures UltraFiber 500 that is made from virgin cellulose fibers that have been chemically processed and then treated with a mineral based chemical that results in an alkaline-resistant fiber. The fibers have an average denier of 2.8 and are used in normal-weight concrete. The fibers are used as a concrete admixture to assist in controlling plastic shrinkage cracking of reinforced concrete and structural plain concrete. The fibers are also used to reduce shrinkage and temperature cracking in structural plain concrete slabs on grade. The fibers must be

dispersed uniformly through the concrete mixture in accordance with ASTM C 1116 and their use approved by the project engineer or architect. A batch ticket, signed by the ready-mix concrete representative, is available to the code official upon request.

4. The Petitioner asks whether UltraFiber can obtain state approval pursuant to Rule 9B-72, Florida Administrative Code?

### **Conclusions of Law**

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

2. Rule 9B-72.030(b), Florida Administrative Code, states:

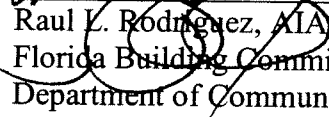
Structural components comprised of products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement.

3. Based on the foregoing, the answer to Petitioner's question is no, state approval is not available for UltraFiber 500; however, the product is subject to approval by the local authority having jurisdiction.

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of

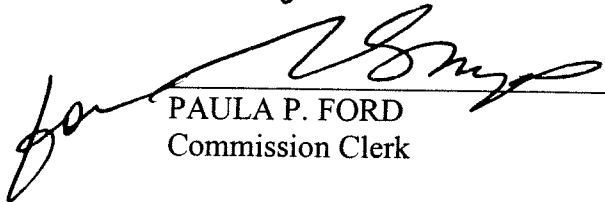
the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 6 of January, 2009, in Coral Gables,  
Miami-Dade County, State of Florida.

  
Raul L. Rodriguez, AIA, Chair  
Florida Building Commission  
Department of Community Affairs  
Sadowski Building  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent to the  
following by the method indicated on this 8 day of Jan, 2009.

  
PAULA P. FORD  
Commission Clerk

**Via U.S. Mail**

Michael J. Schultz, P.E.  
Buckeye Technologies, Inc.  
Post Office Box 80407  
Memphis, Tennessee 38108

**Via Hand Delivery**

Mo Madani, C.B.O. Manager  
Codes and Standards Section  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100