

May 4, 2009

Paula Ford  
Clerk of the Commission  
Building Codes & Standards Section  
Dept. of Community Affairs  
2555 Shummard Oak Boulevard  
Tallahassee, FL 32399-2100

00709-DEC-139  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.

Paula P. Ford  
Commission Clerk

Date

**RE: "Petition for Declaratory Statement before the Florida Building Commission."**

Dear Ms. Ford:

Kalwall Corporation is seeking an interpretation of the Rule 9B-72 and the Florida Building Code in regards to seeking a Florida Product Approval with an expired test report.

9B-72.010 (33) states "Test report means a report from an approved testing laboratory which provides performance data showing compliance with a code requirement as determined by a referenced standard test method or equivalent standard test method pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products' use."

The petition is seeking a rule on whether test reports with a past expiration date are valid to use beyond the expiration date for an application for a Florida Product Approval.

The petition is seeking a rule on acceptable timeframe from date of testing of test reports, with no expiration date.

The interpretation would substantially affect the petitioner's needs for tests renewal for application for Florida Product Approval. The required standards for a given test have not changed since the time of the testing, but the date of the test report is ten (10) years from the present date and indicates an expiration date. Can the test report be used to seek a Florida Product Approval or does testing of the same standards need to be retested?

Sincerely,

**PETITIONER'S REPRESENTATIVE**



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**PETITIONER**

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