

FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL POC

MAY 27, 2021

WEB-BASED VIRTUAL AND TELECONFERENCE MEETING FACILITATOR'S SUMMARY REPORT

THURSDAY, MAY 27, 2021

MEETING SUMMARY AND OVERVIEW

At the Thursday, May 27, 2021 web-based virtual and teleconference meeting the POC considered regular procedural issues including product approval and entities statistics reports; a status report on conditional approvals from the April 13, 2021 Commission meeting, indicating that all of the applications except one 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.) Take action on product and entity applications as recommended by the POC and reflected in DBPR staff's product and entity approval reports; and, 2.) Take action on implementation of HB 401 related to establishing criteria for approving product evaluation entities, and subject approval of evaluation entities to criteria similar to those for approving certification entities including updating ISO/IEC 65 to ISO/IEC 17065:2012. In addition, approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities. The criteria for approval will also need to be added to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; revisions to approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals. The Commission also approve rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; to approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the criteria that will be used for the approval of product evaluation entities.

BACKGROUND AND SUPPORTING DOCUMENTS

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the May 27, 2021 meeting is as follows:

https://www.floridabuilding.org/fbc/commission/FBC_0621/Product_Approval/Product_Approval_Agenda.htm

AGENDA ITEM OUTCOMES

A. 1. STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS

Jeff Blair reviewed the virtual and teleconference meeting participation process with participants reminding them that it is important for participants to keep their computer microphones or phones 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 (4 of 5 members):

Rodney Hershberger (Chair), David Compton, David Gilson, and Brian Swope.

Members Absent:

Michael Bourré.

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, 4 - 0 in favor, to approve the agenda for the May 27, 2021 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.
- To Discuss Implementation of HB 401's Product Approval System Assignments.

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 APRIL 1, 2021 MINUTES AND FACILITATOR'S SUMMARY REPORT

MOTION—The POC voted unanimously, 4 – 0 in favor, to approve the April 1, 2021 meeting minutes and Facilitator's Summary Report as presented/posted.

Amendments:

There were no amendments.

C. 1. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT

Commissioner Hershberger requested that staff review the statistics reports. 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 2020 Code is 4,288 (5,031 total in the System), the total number of products approved to the 2020 Code is 17,457 (20,401 total in the System), and the total number of entities approved to the 2020 Code is 128 (415 total in the System).

The statistics reports are linked to the Product Approval POC's agenda.

C. 2. REPORT ON CONDITIONAL APPROVALS FROM THE APRIL 13, 2021 FBC MEETING

Commissioner Hershberger asked Mo Madani to report on the status of the conditional approvals. All of the relevant conditions were met for each of the conditional approvals reported at the April 13, 2021 Commission meeting with the exception of FL 14722-R4 from the December 15, 2020 Commission meeting. Mo reported that FL 14722-R4 remains in reapply mode pending action by the applicant to meet the required conditions for approval.

C. 3. HB 401 IMPLEMENTATION OF AMENDMENTS TO SECTION 553.842, F.S. AUTHORIZING THE COMMISSION TO ESTABLISH CRITERIA FOR APPROVING EVALUATION ENTITIES

Mo Madani reviewed what is required of the Commission to implement the provisions of HB 401 regarding required revisions to the Product Approval System as follows:

Section 6 – Criteria for Approving Product Evaluation Entities and Changes to Product Approval Entity Disciplinary Guidelines

Section 553.842 (8)(a), F.S. [Product Evaluation and Approval] was amended granting the Florida Building Commission authority to develop criteria for the approval of evaluation entities for the Commission's statewide product approval program; and, requiring the Commission to establish criteria for suspension of approvals of product evaluation entities.

To implement these provisions the Commission will need to approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities. The criteria for approval will also need to be added to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals. The Commission also approves rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the criteria that will be used for the approval of product evaluation entities; and, authorize staff to publish notices of rule development and notices of proposed rule for Rules 61G20-3.008, F.A.C., 61G20-3.011, F.A.C., 61G20-3.013, F.A.C., and 61G20-3.016, F.A.C.

POC Actions:

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission subject approval of evaluation entities to criteria similar to those for approving certification entities including updating ISO/IEC 65 to ISO/IEC 17065:2012.

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities. The criteria for approval will also need to be added to Form 9N-3.011(1), F.A.C., which is

incorporated into Rule 61G20-3.011, F.A.C., by reference; revisions to approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals. The Commission also approve rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; to approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the criteria that will be used for the approval of product evaluation entities.

D. 1. PRODUCT AND ENTITY APPLICATIONS CONSENT AGENDA

Jeff Blair 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 Blair 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 application for the 2020 Code pulled for individual consideration.

POC Actions:

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities (22) recommended for approval as posted.

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of products (253) recommended for approval to the 2020 Code as posted.

PRODUCT APPROVAL APPLICATIONS PULLED FROM THE CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION

There were no applications pulled from the consent agenda recommended for approval for individual consideration.

D. 2. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS

Jeff Blair presented the products with discussion and public comment. The table below reflects the POC's recommendations on the (1) product approval application recommended for approval and the (6) product approval applications recommended for conditional approval to the 2020 Code with public comment. The applications were taken on two consent agendas: recommended for approval and recommended for conditional approval.

1.) Members of the public were offered an opportunity to comment on the products with comments recommended for approval (1), commissioners were offered an opportunity to pull products off of the consent agenda, and then a vote was taken on the consent agenda for approval and subsequently on any products pulled for individual consideration.

2.) Members of the public were offered an opportunity to comment on the products with comments recommended for conditional approval (6) based on the conditions recommended by DBPR staff, commissioners were offered an opportunity to pull products off of the consent agenda, and then a vote was taken on the consent agenda for conditional approvals and subsequently on any products pulled for individual consideration.

POC Actions:

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of products with comments (1) recommended for approval to the 2020 Code.

MOTION—The POC voted unanimously, 4 - 0 in favor, to recommend the Commission approve the consent agenda of products with comments (6) recommended for conditional approval to the 2020 Code based on the conditions recommended by DBPR staff analysis and reflected in the posted documentation.

PRODUCT APPLICATIONS WITH COMMENTS (2020 CODE) [7]			
PRODUCT FL #	STAFF RECOMMENDATION	POC ACTION	FBC ACTION
Consent Agenda of Products With Comments Recommended for Approval (1)			
FL 38053	A	Approval	
Consent Agenda of Products With Comments Recommended for Conditional Approval (6)			
FL 12772-R8	C	Conditional Approval	
FL 19968-R4	C	Conditional Approval	
FL 19969-R4	C	Conditional Approval	
FL 28296-R3	C	Conditional Approval	
FL 22853-R8*	C	Conditional Approval	
FL 37784-R1**	C	Conditional Approval	

*Conditional approval to allow the applicant to specify wind uplift limitations for the roof tile underlayment as noted in the public comment.

**Conditional approval to allow the applicant to specify wind uplift limitations for the roof tile underlayment as noted in the public comment.

D. 3. DBPR APPLICATIONS

Jeff Blair noted there were a total of 95 DBPR applications including 2 application with comments submitted for approval to the 2020 Code, and all are approved.

All of the recommendations for the DBPR applications are linked to the May 27, 2021 Product Approval POC agenda posted on the BCIS.

E. 1. PUBLIC COMMENT

Commissioner Hershberger 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

Commissioner Hershberger invited POC members to offer any general comments to the POC.

- There were no POC member comments.

E. 3. STAFF MEMBER COMMENT

Commissioner Hershberger 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 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.
- 2) The POC recommends the Commission subject approval of evaluation entities to criteria similar to those for approving certification entities including updating ISO/IEC 65 to ISO/IEC 17065:2012.
- 3) The POC recommends the Commission approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities. The criteria for approval will also need to be added to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; revisions to approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals. The Commission also approves rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; to approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the criteria that will be used for the approval of product evaluation entities.

NEXT STEPS

The POC will meet July 29, 2021 to provide recommendations to the Commission on Product Approval System relevant issues for the August 10, 2021 Commission meeting.

(See Attachment 2—POC Meeting Schedule)

F. ADJOURN

Commissioner Hershberger, POC Chair, thanked POC members, staff and the public for their attendance and participation and adjourned the meeting at 10:50 AM on Thursday, May 27, 2021.

ATTACHMENT 1
MEETING AGENDA

FLORIDA BUILDING COMMISSION
PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE (POC)

THURSDAY, MAY 27, 2021—10:00 AM

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE
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

Rodney Hershberger, David Compton, Nanette Dean, David Gilson, and Brian Swope.

MEETING AGENDA— THURSDAY, MAY 27, 2021

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

9:00AM	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 April 1, 2021 Minutes and Facilitator Summary Report
	C)	Product Approval Program Issues: 1) Product Approval & Entities Statistics Report 2) Report on Conditional Approvals from the April 13, 2021 FBC Meeting <i>(All conditional approval requirements were met except FL14722 R4 from December 2020 approval cycle)</i> 3) Review and Discuss Section 6 of HB 401 Including Amendment to Section 553.842, F.S. Authorizing the Commission to Establish Criteria for Approving Evaluation Entities.
	D)	Department of Business and Professional Regulation Reports: 1. Review of Product Approval & Entity Applications 2. Product Approval Applications with Comments (2020 FBC) 3. DBPR Applications (2020 FBC)
	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
February 2, 2021	Tallahassee/DBPR and via Teleconference/Webinar
April 1, 2021	Tallahassee/DBPR and via Teleconference/Webinar
May 27, 2021	Tallahassee/DBPR and via Teleconference/Webinar
FY 2021 - 2022 SCHEDULE	LOCATION
July 29, 2021	Tallahassee/DBPR and via Teleconference/Webinar
September 30, 2021	Tallahassee/DBPR and via Teleconference/Webinar
December 2, 2021	Tallahassee/DBPR and via Teleconference/Webinar