

Mo,

I am writing in response to your e-mail of September 17, 2009 (see below) concerning a hearing on the proposed rule that adds criteria by which the Commission will approve additional evaluation entities and adds the International Association of Plumbing and Mechanical Officials as an approved evaluation entity. We would like to offer the following comments on the subject:

ICC Evaluation Service is opposed to the proposed changes that came out of the Commission meeting on August 11, 2009.

As noted in comments I made to the Commission on August 11, 2009, we believe that, although evaluation entities and certification bodies are both often accredited to ISO Guide 65, it is in the interest of the State of Florida and its product approval system to maintain a distinction between them in the rules. We are concerned that the proposed rule changes blur that distinction. Please consider the following points:

1. It should be noted that ISO Guide 65 is quite general in nature so that it can cover a broad range of product certification activities, building products being a relatively minor area. For this reason, ISO Guide 65 certification alone should not be used as a basis for an authority having jurisdiction's decision to approve an evaluation service. Since evaluation entities will be involved in evaluating alternative materials not specifically addressed in the FBC for use in high wind areas, we believe the State of Florida should consider other important issues that are necessary to insure code compliance of products evaluated by a given entity. We believe two main issues to consider are to what degree input from code officials are involved in an entity's evaluation process (such as whether the body has an evaluation committee comprised of code officials that conducts public hearings and who are experts in the codes for which their committee service is rendered) and whether the body has a viable process for developing the requirements for the evaluation of alternative materials (instead of relying on criteria developed by other evaluation entities). It is important to note that the introduction to ISO Guide 65 supports our position when it says:

The requirements of this Guide are written, above all, to be considered as general criteria for organizations operating product certification systems; they may have to be amplified when specific industrial or other sectors make use of them, or when particular requirements such as health and safety have to be taken into account.

2. The scope of services and how any findings relative to the evaluation or certification process are published typically differ between these two types of agencies. Few certification bodies state that the products they certify meet building codes and the findings of these agencies are usually published through publication of a listing rather than an evaluation report. While product certification by a certification agency works well under Method 1 of Florida's product approval process, we do not think it is appropriate for Method 2 of the system.

3. The scope for which an evaluation service is accredited is usually different from the scope of accreditation granted to a certification body, even in cases where they are accredited by the same accreditation body. We believe it is very important for the Commission to look at the scope of an agency's accreditation before it approves them as an

evaluation entity so that the Commission can verify that their accreditation is compatible with Method 2 of the product approval system. Evaluation entities are typically accredited to evaluate a wide range of products for conformance to building codes and publish their findings in evaluation reports. Certification bodies are usually accredited to issue listings for products falling into certain areas of specialty and those listings are usually based on conformance to certain standards, not building codes.

We appreciate the opportunity to comment on the proposed changes. I would be happy to answer any questions that you or the Commission might have.

Sincerely,

Gary G. Nichols, PE
Vice President/Birmingham Operations
ICC Evaluation Service, Inc.
Birmingham Regional Office
900 Montclair Road, Suite A
Birmingham, AL 35213
800-423-6587, x5684
205-599-9800 phone
205-599-9850 facsimile
gnichols@icc-es.org
www.icc-es.org

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