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To: ICC-ES Evaluation Committee
From: Michael O'Reardon
Date: May 29, 2009
Subject: Proposed Revisions to the Acceptance Criteria for Proprietary Wood Preservative Systems—Common Requirements for Treatment Process, Test Methods and Performance, Subject AC326-0609-R1 (MO/KR)

MEMO

Public comments have been received regarding the subject criteria. The comments, posted on our web site, were received from the following:

- Mark Gilligan, SE, SECB
- Arch Wood Protection (Kris Owen)

In the staff cover letter it was stated that AWPA staff provided input to the proposed revisions noted under Subject AC326-0609-R1. Actually, AWPA was not involved in the revisions provided to the committee under Subject AC326-0609-R1. Staff inadvertently added AWPA staff to the list of interested parties who provided proposed revisions. AWPA staff has provided input in the past to AC326, but was not involved in this current proposal. AWPA did provide staff with current AWPA standards for reference in AC326, as appropriate, and staff appreciates their keeping staff up-to-date on AWPA standards.

I. Mark Gilligan has three recommendations:

1. He recommends that only AWPA standardized wood preservatives be evaluated by ICC-ES. He is concerned that the ICC-ES evaluation of wood preservatives is used as a means to bypass the building code. **Response:** AC326 is used by ICC-ES staff to evaluate proprietary wood preservative systems for compliance with the building codes. The criteria may also be used to evaluate AWPA standardized wood preservative systems, as noted in Section 4.9 of AC326. The evaluation reports issued under AC326 are subject to re-examination one year after they are first issued and every one to two years thereafter. When a wood preservative system is adopted into AWPA U1 and the building code, the report holder may choose to drop their ICC-ES evaluation report and instead provide documentation to the code official demonstrating compliance with AWPA U1. Only wood preservative systems that are listed in the AWPA U1 edition referenced in the building code are considered to be in compliance with the code.
2. Mr. Gilligan recommends that ICC-ES not include lower retention rates for AWPA standardized wood preservatives that have ICC-ES Evaluation Reports. **Response:** AC326 is used by ICC-ES to evaluate AWPA standardized wood preservatives that have

lower retentions than what is permitted by AWPAs U1. A performance evaluation is conducted by staff in accordance with AC326, and the product labeling must be in accordance with Section 6.8.1 of AC326 for proprietary systems.

3. Mr. Gilligan recommends that evaluation reports identify the third-party experts who provide the analysis required by Section 4.8 of the criteria. **Response:** Listing of the third-party experts is not included in the final evaluation report and is not considered to be information needed by the code official in the approval process. Code officials may request this information from ICC-ES staff if they find they need it.

II. Kris Owen has four comments:

1. He says that AC190 should not be incorporated into AC326 as an appendix since it covers an EPA-banned wood preservative. **Response:** Staff agrees.
2. Mr. Owen provided comment on Appendix C concerning the terminology "ground contact" and "above ground". The Appendix C in Section C1.2 states product uses as "in contact with the ground (AWPA UC4A and UC4B) and out of contact with the ground (above ground) (AWPA UC3B)." The 2009 IBC and IRC use the following terminology: "wood used above ground" and "wood in contact with the ground or fresh water". Each of the appendices, in the "Scope" Section, uses similar wording to that in Appendix C. **Response:** Staff requests industry and committee input as to the need to change each of the appendix cope sections concerning product use terminology.
3. Mr. Owen provided comments on Appendix J. **Response:** Appendix J is an editorial conversion of AC62 into an appendix of AC326. No technical changes were made to Appendix J, and no technical revisions may be considered at this committee hearing.
4. Mr. Owen also noted that AC326 includes reference to AWPAs Use Categories (UC), while use of the UC designation was removed from evaluation reports at the October 2008 committee hearing. **Response:** Proprietary wood preservatives evaluated by ICC-ES are not allowed to use the AWPAs UC designations, as noted in Section 6.8.1 of AC326. Only AWPAs standardized wood preservative systems are allowed to label with AWPAs UC designations, as noted in Section 6.8.2 of AC326. The reference to AWPAs UC designations in AC326 is used as industry shorthand for defining product end use. The final evaluation reports will conform to the labeling requirements of Sections 6.8.1 and 6.8.2 of AC326.

Thank you for consideration of the above items.