



ICC Evaluation Service, Inc.  
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May 13, 2010

**TO: PARTIES INTERESTED IN THE ADOPTION OF NEWER EDITIONS OF DESIGN SPECIFICATIONS**

**SUBJECT: Proposed Policy Concerning the Acceptance of Newer Editions of Design Specifications, Subject MISC1-0610-R1 (GGM/MB)**

**Hearing Information:**

Wednesday, June 16, 2010  
8:00 a.m.

**DoubleTree Hotel**  
808 South 20<sup>th</sup> Street  
Birmingham, Alabama 35205  
(800) 222-8733

Dear Madam or Sir:

This item has been placed on the Evaluation Committee agenda to seek input from the public and the Evaluation Committee as to whether ICC Evaluation Service should adopt a policy that would allow the acceptance of newer editions of design specifications before they become part of the I-Codes.

Current policy is to evaluate products based on the editions of the standards referenced in the code. Due to this policy, staff currently accepts data from applicants and report holders based on standards newer than those referenced in the I-Codes **only** when those newer editions are known to be equivalent to, or more conservative than, the editions referenced in the I-Codes.

In general, changes to design standards (design specifications) are more difficult to evaluate than test standards because of their size and applicability to a large range of products, design conditions, and parameters. While the specifications may be conservative in the design of a certain product under a given set of circumstances, the opposite may be true for the same product under another set of circumstances. This makes it extremely difficult to compare different editions of design standards. Despite this difficulty, staff believes that, except in cases where the staff knows of concerns about a particular specification, a valid technical argument can be made for accepting the newer editions, since any changes have been adopted by informed technical committees within the standards organizations. For this reason, staff recommends that

later editions of design standards be considered under Section 104.11 of the *International Building Code* and similar sections of other I-Codes.

It should also be noted that the recently revised ICC code change process allows only one opportunity (rather than two) to update a particular standard edition in the I-Codes during the normal three-year cycle. For ICC-ES to fulfill its role in supporting new technology, ICC-ES needs to be able to recognize sound technical advances that are incorporated into newer editions of standards.

Thus, ICC Staff requests input from the public and the Evaluation Committee with regard to ICC-ES staff taking a more proactive role in recognizing newer editions of design standards. Staff asks that the Evaluation Committee indicate the direction they wish ICC-ES to take on this matter by taking a vote at the committee meeting.

It is staff's intention that, should the Evaluation Committee favor early recognition of newer design standards, the use of newer editions of design specifications by applicants and report holders be acceptable as they are referenced in our acceptance criteria. Further, it is staff's intention that:

1. The recognition of any newer edition of a design standard in our criteria must be done through our public hearing process so that the public and the Evaluation Committee can discuss any concerns.
2. Differences between the newer edition of the design standard and the edition recognized by the code are to be specified by the applicant or report holder (or by ICC-ES staff in cases where the change in the criteria is initiated by staff). In addition to identifying the technical changes in the newer edition of the design standard, the reason(s) for the such changes need to be provided and the comparison between the two editions should extend to a review of the editions of ASTM and other standards that may be referenced in the design standard, for purposes of verifying the compatibility of various documents referenced in our criteria among themselves and to the requirements of our criteria.
3. Recognition of any new design standard by ICC-ES, by incorporation into an acceptance criteria is limited to products addressed by that criteria and to portions of the design standard applicable to that criteria. In other words, recognition of a new design standard in one criteria does not imply general recognition of the design standard by ICC-ES. Any recognition of the newer edition of the design standard for use with products outside of the scope of the criteria in which it is recognized must first be approved by the Evaluation Committee by way of revisions to the criteria associated with those products.
4. The code-referenced edition of the design standard will remain referenced in the ICC-ES acceptance criteria, as well as any newer edition the Evaluation Committee might deem acceptable, so that the applicant or report holder will have a choice as to the edition of the design standard they wish to use. However, once the option exists, it is staff's intention that:

- a. The complete design of any product must be based on one or the other of the editions. That is, a given product design will have to be based on only one edition of a design standard.
- b. All products within any given evaluation report will conform to the same edition of the design standard, and the edition of the design standard will be identified in the evaluation report should it be newer than that referenced in the code.

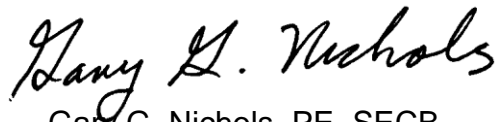
You are cordially invited to submit written comments on agenda items, or to attend the Evaluation Committee hearing and present verbal comments. If you wish to contribute to the hearing, please note the following:

1. Written comments that are received by the Los Angeles business/regional office by **June 1, 2010**, will be forwarded to the committee prior to the hearing, and will be posted on the ICC-ES web site shortly after the comment deadline.
2. Written comments received up to ten days before the meeting, and staff memos responding to comments, will be posted to the web site on **June 10, 2010**.
3. ICC-ES is no longer providing printed copies at the meeting of proposed acceptance criteria, staff memos or public comments. These documents will be available on a limited number of CDs at the meeting, for uploading to computers; and ICC-ES will make arrangements with the hotel business center to have hard copies available for photocopying.
4. Written comments that miss the deadline noted in item (1), above, will only be available at the meeting if you provide 35 copies, collated, stapled, and three-hole punched, either at the meeting itself or to the Los Angeles business/regional office by **June 10, 2010**.
5. If you plan to speak for more than 15 minutes, or offer a visual presentation lasting longer, you should notify ICC-ES staff as far as possible in advance. There will be a computer, projector, and screen available at the meeting for anyone wishing to make a visual presentation, and presentations in most cases will need to be in PowerPoint format. Also, ICC-ES will need to be provided with your presentation at least a half-hour before the start of the relevant meeting session (morning or afternoon) on either a CD or a flash card.
6. If you have any special needs related to a presentation, you should contact ICC-ES staff well in advance of the meeting.
7. Any visual aids for viewing at committee meetings (charts, overhead transparencies, slides, videos, electronic presentations, etc.) will be permitted only if a copy is provided to ICC-ES, before the presentation, in a medium that can be retained with other records of the meeting.

8. Any materials submitted for committee consideration are considered nonconfidential and available for public discussion, as noted in Section 2.7 of the ICC-ES Rules of Procedure for the Evaluation Committee.
9. Prior to the meeting, you should refrain from trying to communicate directly with committee members about agenda items, either verbally or in writing. Committee members reserve the right to refuse such communications.

Your cooperation with these guidelines is much appreciated, as is your interest in the deliberations of the Evaluation Committee. If you have any question, please contact the undersigned at (800) 423-6587, extension 5684, or Michael Beaton, Senior Vice President at extension 3292. You may also reach us by e-mail at [es@icc-es.org](mailto:es@icc-es.org).

Yours very truly,



Gary G. Nichols, PE, SECB  
Vice-President

GGN/raf

Enclosures

cc: Evaluation Committee



## ICC EVALUATION SERVICE, INC., RULES OF PROCEDURE FOR THE EVALUATION COMMITTEE

### 1.0 PURPOSE

The purpose of the Evaluation Committee is to monitor the work of ICC-ES, in issuing evaluation reports; to evaluate and approve acceptance criteria on which evaluation reports may be based; and to sponsor related changes in the applicable codes.

### 2.0 MEETINGS

**2.1** The Evaluation Committee shall schedule meetings that are open to the public in discharging its duties under Section 1, subject to Section 3.

**2.2** All scheduled meetings shall be publicly announced.

**2.3** Two-thirds ( $\frac{2}{3}$ ) of the voting Evaluation Committee members shall constitute a quorum. A majority vote of members present is required on any action.

**2.4** In the absence of the nonvoting chairman-moderator, Evaluation Committee members present shall elect an alternate chairman from the committee for that meeting. The alternate chairman shall be counted as a voting committee member for purposes of maintaining a committee quorum and to cast a tie-breaking vote of the committee.

**2.5** Minutes of the meetings shall be kept.

**2.6** An electronic audio record of meetings shall be made by ICC-ES; no other audio, video, electronic or stenographic recordings of the meetings will be permitted. Visual aids (including, but not limited to, charts, overhead transparencies, slides, videos, or presentation software) viewed at meetings shall be permitted only if the presenter provides ICC-ES before presentation with a copy of the visual aid in a medium which can be retained by ICC-ES with its record of the meeting and which can also be provided to interested parties requesting a copy. A copy of the ICC-ES recording of the meeting and such visual aids, if any, will be available to interested parties upon written request made to ICC-ES together with a payment as required by ICC-ES to cover costs of preparation and duplication of the copy. These materials will be available beginning five days after the conclusion of the meeting but will no longer be available after one year from the conclusion of the meeting.

**2.7** Parties interested in the deliberations of the committee should refrain from communicating, whether in writing or verbally, with committee members regarding agenda items. All written communications and submissions regarding agenda items should be delivered to ICC-ES. All such written communications and submissions shall be considered nonconfidential and available for discussion in open session of an Evaluation Committee meeting, and shall be delivered at least ten days before the scheduled Evaluation Committee meeting if they are to be forwarded to the committee. Materials delivered to ICC-ES at least ten

days before the scheduled meeting will be posted on the ICC-ES web site ([www.icc-es.org](http://www.icc-es.org)) prior to the meeting. After this time, parties wishing to submit materials for consideration by the Evaluation Committee must deliver a sufficient number of copies as directed by ICC-ES. Consideration of materials not received by ICC-ES at least ten days before the meeting is at the discretion of the Evaluation Committee. Following the meeting, ICC-ES will make all materials considered by the Evaluation Committee available on the web site for a maximum period of one year following the meeting. The committee reserves the right to refuse recognition of communications which do not comply with the provisions of this section.

### 3.0 CLOSED SESSIONS

Evaluation Committee meetings shall be open except that the chairman may call for a closed session to seek advice of counsel.

### 4.0 ACCEPTANCE CRITERIA

**4.1** Acceptance criteria are established by the committee to provide a basis for issuing ICC-ES evaluation reports on products and systems under codes referenced in Section 2.0 of the Rules of Procedure for Evaluation Reports. They also clarify conditions of acceptance for products and systems specifically regulated by the codes.

Acceptance criteria may involve a product, material, method of construction, or service. Consideration of any acceptance criteria must be in conjunction with a current and valid application for an ICC-ES evaluation report, an existing ICC-ES evaluation report, or as otherwise determined by the Evaluation Committee.

#### 4.2 Procedure:

**4.2.1** Proposed acceptance criteria shall be developed by the ICC-ES staff and discussed in open session with the Evaluation Committee during a scheduled meeting, except as permitted in Section 5.0 of these rules.

**4.2.2** Proposed acceptance criteria shall be available to interested parties at least 30 days before discussion at the committee meeting.

**4.2.3** The committee shall be informed of all pertinent written communications received by ICC-ES.

**4.2.4** Attendees at Evaluation Committee meetings shall have the opportunity to speak on acceptance criteria listed on the meeting agenda, to provide information to committee members.

**4.3** Approval of acceptance criteria shall be as specified in Section 2.3 of these rules.

**4.4** Actions of the Evaluation Committee may be

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appealed in accordance with the ICC-ES Rules of Procedure for Appeal of Acceptance Criteria or the ICC-ES Rules of Procedure for Appeals of Evaluation Committee Technical Decisions.

**5.0 COMMITTEE BALLOTING FOR ACCEPTANCE CRITERIA**

**5.1** Acceptance criteria may be issued without a public hearing following a 30-day public comment period and a majority vote for approval by the Evaluation Committee when, in the opinion of ICC-ES staff, one or more of the following conditions have been met:

1. The subject is nonstructural, does not involve life safety, and is addressed in nationally recognized standards or generally accepted industry standards.
2. The subject is a revision to an existing acceptance criteria that requires a formal action by the Evaluation Committee, and public comments raised were resolved by staff with commenters fully informed.
3. Other acceptance criteria and/or the code provide precedence for the revised criteria.

**5.2** Negative votes must be based upon one or more of the following, for the ballots to be considered valid and require resolution:

- a. *Lack of clarity:* There is insufficient explanation of the scope of the acceptance criteria or insufficient description of the intended use of the product or system; or the acceptance criteria is so unclear as to be unacceptable. (The areas where greater clarity is required must be specifically identified.)
- b. *Insufficiency:* The criteria is insufficient for proper evaluation of the product or system. (The provisions of the criteria that are in question must be specifically identified.)
- c. *The subject of the acceptance criteria is not within the scope of the applicable codes:* A report issued by ICC-ES is intended to provide a basis for approval under the codes. If the subject of the acceptance criteria is not regulated by the codes, there is no basis for issuing a report, or a criteria. (Specifics must be provided concerning the inapplicability of the code.)

d. *The subject of the acceptance criteria needs to be discussed in a public hearings.* The committee member requests additional input from other committee members, staff or industry.

**5.3** An Evaluation Committee member, in voting on an acceptance criteria, may only cast the following ballots:

- Approved
- Approved with Comments
- Negative: Do Not Proceed

**6.0 COMMITTEE COMMUNICATION**

Direct communication between committee members, and between committee members and an applicant or concerned party, with regard to the processing of a particular acceptance criteria or evaluation report shall take place only in a public hearing of the Evaluation Committee. Accordingly:

**6.1** Committee members receiving an electronic ballot should respond only to the sender (staff). Committee members who wish to discuss a particular matter with other committee members, before reaching a decision, should ballot accordingly and bring the matter to the attention of ICC-ES staff, so the issue can be placed on the agenda of a future committee meeting.

**6.2** Committee members who are contacted by an applicant or concerned party on a particular matter that will be brought to the committee will refrain from private communication and will encourage the applicant or concerned party to forward their concerns through the ICC-ES staff in writing, and/or make their concerns known by addressing the committee at a public hearing, so that their concerns can receive the attention of all committee members. ■

***Effective March 18, 2008***