



ICC-ES POLICY ON PROPRIETARY COMPONENTS

A proprietary component is defined as a specific material that is manufactured by someone other than the ICC-ES report applicant and that is referenced by name in the evaluation report (and/or the relevant quality documentation), or that forms a part of a fabricated assembly produced by the ICC-ES report applicant. Where products to be covered in an evaluation report include proprietary components, data must be submitted as follows:

1. If the proprietary component is already the subject of an ICC-ES report, and the component is to be named in the new report and/or the relevant quality documentation:
 - a. ICC-ES staff shall review the evaluation report on the proprietary component to determine its applicability to the new application. If the report does not provide sufficient data, then other data, consistent with requirements in this policy document, will be required.
 - b. ICC-ES staff shall seek to determine whether the proprietary component is being used in a manner consistent with the intent of the component's manufacturer. If the component is being used in such a manner, then there is no need for submittal of the forms called "Authorization for Use of the Name of a Proprietary Component" and "Statement of Responsibility for Use of a Proprietary Component." On the other hand, if ICC-ES is unable to confirm that the component is being used in accordance with the component manufacturer's intent, then both of the forms must be submitted.
2. If the proprietary component is not the subject of an ICC-ES report but is to be named in the new report and/or the relevant quality documentation, and is required to comply only with requirements prescribed in the code:
 - a. ICC-ES staff shall seek to determine whether the proprietary component is being used in a manner consistent with the intent of the component's manufacturer. If the component is being used in such a manner, then there is no need for submittal of the forms called "Authorization for Use of the Name of a Proprietary Component" and "Statement of Responsibility for Use of a Proprietary Component." On the other hand, if ICC-ES is unable to confirm that the component is being used in accordance with the component manufacturer's intent, then both of the forms must be submitted.
 - b. The report applicant must provide data to ICC-ES to substantiate compliance of the component with the code. Where, in the judgment of the ICC-ES president or his designated representative, staff review of the data is extensive, an additional-item fee shall apply, as provided in the ICC-ES fee schedule.
3. If the proprietary component is not the subject of an ICC-ES report but is to be named in the new report and/or the relevant quality documentation, and is required to comply with an ICC-ES acceptance criteria:
 - a. ICC-ES staff shall seek to determine whether the proprietary component is being used in a manner consistent with the intent of the component's manufacturer. If the component is being used in such a manner, then there is no need for submittal of the forms called "Authorization for Use of the Name of a Proprietary Component" and "Statement of Responsibility for Use of a Proprietary Component." On the other hand, if ICC-ES is unable to confirm that the component is being used in accordance with the component manufacturer's intent, then both of the forms must be submitted.
 - b. The report applicant must provide data to ICC-ES to substantiate compliance of the component with the applicable acceptance criteria. An additional-item fee, per the ICC-ES fee schedule, shall apply for review of this data
4. If the proprietary component is not the subject of an ICC-ES report but is to be named in the new report and/or the relevant quality documentation, and is required to be inspected and labeled by a third-party inspection agency:
 - a. ICC-ES staff shall seek to determine whether the proprietary component is being used in a manner consistent with the intent of the component's manufacturer. If the component is being used in such a manner, then there is no need for submittal of the forms called "Authorization for Use of the Name of a Proprietary Component" and "Statement of Responsibility for Use of a Proprietary Component." On the other hand, if ICC-ES is unable to confirm that the component is being used in accordance with the component manufacturer's intent, then both of the forms must be submitted.

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- b. The report applicant must provide data to ICC-ES to substantiate compliance of the component with the code or an acceptance criteria, as applicable. An additional-item fee, per the ICC-ES fee schedule, shall apply for review of this data**
- 5. If the proprietary component is to be named in the new report and/or the relevant quality documentation, but none of the above items (1 through 4) is applicable, the minimum requirements for data submittal shall be determined by the ICC-ES president or his designated representative, based on the intended use of the proprietary component.**

Where, in the judgment of the ICC-ES president or his designated representative, the submitted data is very extensive and complicated or the proprietary component would best be addressed in a separate report, the component manufacturer may be required to obtain an evaluation report before the component can be named in the new report and/or quality documentation.