

IAC ICC ES Task Group Report

(Approved by the IAC on August 9, 2005)

Upon approval by the IAC, the IAC requested this report be placed on the agenda of the next board meeting of the ICC and ICC ES Boards, respectively.

INTRODUCTION

The purpose of this report is to provide the ICC and ICC ES Board of Directors and ICC ES staff with observations, comments, and recommended actions regarding the policies, practices, and processes of ICC ES that affect industry. The desired result is to improve services for the benefit of all stakeholders.

BACKGROUND

At the September 2004 IAC meeting, because of previous actions by ICC ES to develop an Acceptance Criteria (AC) for a standard currently referenced in the IBC, John Nosse was asked to explain the policy and process for development of any Acceptance Criteria. This raised many questions from the IAC members, which led to the formation of the Task Group to review and provide comments and recommended actions to the ICC and ICC ES Board of Directors on the policies and processes of ICC Evaluation Services.

John Taecker (Underwriters Laboratories Inc.) was appointed chair of the Task Group by the IAC Chair. The following IAC members served on the Task Group:

Paul Coats (AF&PA)
Joe Hetzel (DASMA)
Jeff Inks (NAHB)
Bob Kelly (Vinyl Siding Institute)
Hank Martin (AISI)
Dave Roodvoets (SPRI)
Julie Ruth (AAMA)
John Valiulis (International Firestop Council)

SCOPE

The Task Group reviewed and developed comments and recommended actions on the overall ICC ES process, as outlined below:

- Acceptance Criteria
 - Philosophy (including establishing need, scope, and equivalency with the code)

- Process and Practice (including notification, participation, and processes for developing new AC and revising existing AC)
- Evaluation Reports
 - Process and Practice (including application, processing, and communication)
- Communication and Documentation (including information provided regarding ICC ES in articles, the website, and email notification)

TASK GROUP REPORT HISTORY

In meetings on January 5, 2005 and March 7, 2005, the Task Group developed a list of all of industry's concerns and needs regarding ICC ES. A progress report was provided at the March 16, 2005 IAC meeting for review and feedback. The Task Group met on May 19, 2005 to consider the feedback received, and draft objectives and actions based on industry's concerns and needs.

The Task Group had a face-to-face meeting on June 30, 2005 with the senior management of ICC ES (John Nosse, Gary Nichols, and Kurt Stochlia) to discuss the industry's concerns and needs, and the proposed objectives and actions. This was considered to be a very fruitful meeting in sharing of needs and concerns, resulting in finding some common ground, as well as some new solutions and methods to existing situations and practices. The result of a lot of the discussion is incorporated in this report.

OBSERVATIONS, COMMENTS, AND RECOMMENDED ACTIONS

The observations, comments, and recommended actions developed by the Task Group are presented in the following four sections – Role and Purpose of ICC ES, Development of Acceptance Criteria, ICC Evaluation Committee Meetings, and Evaluation Report Process. In each section, industry's concerns and needs are identified. Based on the concerns and needs, an objective was established, and associated recommended actions to accomplish the objective.

1. Role and Purpose of ICC ES

a. Industry Concerns

- ICC ES provides Evaluation Reports on products already certified to standards referenced in the International codes. This encourages code officials to require this additional expense for the manufacturers.

b. Industry Needs

- The industry hears from ICC ES that the product they develop is for the code official. The needs of additional stakeholders should also be considered, including the public, the building owners, the designers, the installers, and the manufacturers.
- Code officials need to be clearly informed of ICC ES' mission, purpose and scope, as well as the purpose of Acceptance Criteria.
- ICC ES needs to continue to provide a service to evaluate materials and methods that are an alternate to the code requirements, and where the code does not specify a standard for evaluating a product. ICC ES needs to say no to issuing an evaluation report when that report does not provide additional information to assist the code official in approving the product.

c. Objectives

- The role and purpose of ICC ES needs to be clear for all stakeholders. ICC ES should provide a value-added service that meets the needs of all stakeholders, that does not duplicate listing and labeling requirements in the codes and the associated listings by accredited third party certification organizations approved by the code official.

d. Recommended Actions

- Clarify the role and purpose of ICC ES on the website
- Publish an article in the Building Safety Journal to educate the built environment community on the role and purpose of ICC ES
- Establish a standing industry advisory group, to provide a forum for all stakeholders.
- Establish and publish a formal criteria for conditions for developing Acceptance Criteria and issuing Evaluation Reports. The criteria should clarify that Evaluation Reports would not be issued for products used in the construction process (e.g. scaffolding and tools) and where the code establishes a product certification standard.

2. Development of Acceptance Criteria

a. Industry Concerns

- The development of Acceptance Criteria appear to be charged with a sense of urgency, which results in a feeling of being rushed through the process.
- To change an existing Acceptance Criteria, another manufacturer has to submit for an Evaluation Report.
- ICC ES sets the requirements exceedingly high, well beyond the minimum code requirements.
- ICC ES creates ACs for where standards are already referenced thus increasing the number of compliance requirements

b. Industry Needs

- Acceptance Criteria should be developed for an alternate material or method, or when the code does not specify a standard. If the code specifies a standard for the material or system, then an AC should not be developed.
- Acceptance Criteria should be developed with the knowledge of what has worked in the past, for products of a particular industry. Fixing alleged problems that are not proven to exist should be avoided. Imposing added requirements, with no cost/benefit basis, should also be avoided.
- Requirements in Acceptance Criteria should not exceed the minimum requirements of the code.

c. Objectives

- The development of Acceptance Criteria should be guided by consensus codes and standards. ICC codes should drive product standards, and ICC ES should only establish Acceptance Criteria for those items not covered by such references.

d. Recommended Actions

- Provide policy and position statements on the development of Acceptance Criteria
 - Establish a policy that Acceptance Criteria shall not duplicate requirements for a product currently covered by model code requirements, including those in a referenced standard, unless the standard does not contain sufficient requirements for determining acceptability of the product.
 - Establish a policy that if the ICC codes adopt a standard for a product, the Acceptance Criteria developed for that product shall be eliminated after a suitable sunset period.
- If ICC ES feels the code requirements regarding a product are deficient, the ICC ES Committee should submit appropriate code proposals. If the code proposal is not accepted by the

membership, appropriate modifications should be made to the affected Acceptance Criteria.

- If ICC ES feels a standard that is referenced in an I-Code does not provide everything considered necessary to evaluate a product, at the same time of establishing an Acceptance Criteria, they should provide written comments of their concerns to the standards developer and actively participate in the standards development process.
- Consider more participation in the process of referencing standards in the codes.
- Include in both the cover letter and the purpose section of an Acceptance Criteria a detailed list of items addressed in the Acceptance Criteria that the ICC ES felt were not adequately addressed in the existing code text and referenced standards, if any, as well as the performance objectives.

3. ICC Evaluation Committee Meetings

a. Industry Concerns

- Sometimes Committee members appear to be hesitant in objecting to staff recommendations (a comment was made in one hearing by a Committee member that they “hate to overrule staff”).

b. Industry Needs

- All stakeholders should participate in the development of AC, and the process needs to be clear. All stakeholders should be notified when an AC is under development. There needs to be a process to review and revise existing AC.
- After the changes to the Acceptance Criteria are given to the committee, there is no opportunity for industry to speak, unless questioned. When the committee and staff raise new issues during their deliberation that results in a substantive change in the Acceptance Criteria, the item should be reopened for public discussion.
- When the committee makes several substantial changes, industry leaves the meeting not really knowing what the AC is going to look like.

c. Objectives

- The process to participate in the development of Acceptance Criteria should be clear, and should involve all stakeholders.

d. Recommended Actions

- Publish on the ICC ES website an illustrative guide to the process, and provide copies of the illustrative guide at each Committee meeting.
- State the intent and purpose of the Committee meeting at the beginning of each meeting.
- Publish policy statements (for example, the role of the Committee and the role of staff)
- Whenever possible, include the affected industry and standards developers in the drafting of an Acceptance Criteria.
- Revise the process to have the staff memo of proposed modifications be available prior to the committee meeting, to allow those interested parties to review. Consider publishing the proposals 40 days in advance of the Committee meeting, and posting the staff memo on the ICC ES website 10 days in advance of the Committee meeting.
- If there are significant modifications to the proposal at the meeting, establish an effective date of 30 days after posting on the ICC ES website to provide the opportunity for public comments. If no public comments are received, the Acceptance Criteria is effective as of the date established. If public comments are received, those particular comments should be on the agenda for the next Committee meeting.
- Pilot using a large screen to show the proposed changes as they are made, so that all participants can see the modifications in real time.
- Post information on adhoc meetings for various Acceptance Criteria on the ICC ES website.
- Establish an email subscription service to update those interested parties of changes to the ICC ES website, including the posting of the committee meeting agenda and new Acceptance Criteria, as well as informing those interested parties of adhoc meetings and staff memos for Acceptance Criteria.
- Explore the feasibility of changing the composition of the ICC ES Committee into a balanced consensus committee, such as the ICC code development committees and consensus standards committees.

4. Evaluation Report Process

a. Industry Concerns

- There is a concern in the responsiveness and timeliness in the issuance of an Evaluation Report. Many reports can take up to a year to be completed.

- ICC ES requires the money to be paid up front when submitting for an Evaluation Report. The report can then take up to and even more than a year. This results in companies having lots of money tied up with ES, with nothing to show for that money for a long time. With all of their money received up front, there appears to be no incentive for the report to be completed in a timely manner.

b. Industry Needs

- The process for the issuance of Evaluation Reports needs to be clear and straightforward. Evaluation Reports need to be issued in a timely manner.

c. Objectives

- Industry needs to clearly know what the process is. Evaluation Reports need to be issued in a timely manner.

d. Recommended Actions

- Develop a Fast Track Process to expedite the issuance of Evaluation Reports. As part of the “Fast Track” process, consider utilizing IAS accredited testing laboratories and inspection agencies to assist in the preparation of the Evaluation Reports.
- Communicate the roles and responsibilities of all participants in the process (ICC ES staff, testing laboratories, and manufacturers). Publish on the ICC ES website an illustrative guide to the process.
- Consider hiring more staff to handle the workload.
- Keep the applicant apprised of the progress on the project through status reports. Consider providing online the project status for access only by the applicant and ICC ES staff.
- Consider revising the appeals process to permit both procedural and technical appeals to be made to the ICC ES Board of Directors, and a subsequent further appeal on only procedural issues to the ICC Board of Directors.

CONCLUSION

It is the opinion of the Task Group that, in order to make effective long-term changes, the job of the Task Group should not conclude with this report. After the implementation of the recommended actions, an assessment is necessary to determine the effectiveness of the action in addressing industry’s concerns and needs, until such time as an advisory committee is established for ICC ES.

The Task Group thanks the ICC ES staff and industry for their input in the development of this report.