



BUILDINGS BULLETIN 2013-007

Technical

Supersedes: None

Issuer: James P. Colgate, RA, Esq.
Assistant Commissioner for Technical Affairs and Code Development

Issuance Date: June 3, 2013

Purpose: This bulletin seeks to clarify the term *approved* as it pertains to materials.

Related Code/Zoning Section(s):	See Table 1 below	1 RCNY 101-12(e)
	AC 28-101.5 ("approved")	1 RCNY 101-12(f)
	AC 28-113.1	BC 201 ("approved")

Subject(s): Approved; Applicant of record, material approval, approved; Materials, technical evaluation

Applicability

In reference to materials, the word "*approved*" is used in the New York City Construction Codes in many sections, and is defined in section 28-101.5 and BC Section 201 as, in part, "*the determination by the commissioner that material is acceptable for its intended use.*"

For the 2008 New York City Construction Codes sections listed in Table 1 below, materials that are acceptable to the applicant of record and shown in construction documents shall be deemed approved upon the Department's acceptance or approval of such construction documents, subject to the following limitations:

1. No material shall be accepted by the applicant which would violate a provision of the code, its reference standards or any rules, directives or bulletins of the Department;
2. The word *approved* applies only to materials and not to the approval of construction documents;
3. The applicant of record is not permitted to provide site specific approval of materials as described in 1 RCNY 101-12 (e);
4. The applicant of record is not permitted to approve alternative materials, as described in 1 RCNY 101-12 (f); and
5. Per administrative code section 28-113.1 the commissioner reserves the right to limit, revoke or prohibit the approval of a material to protect public safety.

An example of an applicable section in the 2008 New York City Mechanical Code is as follows:

1202.7 Flexible connectors, expansion and vibration compensators. Flexible connectors, expansion and vibration control devices and fittings shall be of an *approved* type.

For this section a flexible connector or expansion and vibration control device that is acceptable to the applicant of record and shown on the construction documents approved by the Department shall be deemed *approved*.

The applicant of record may recommend approval of a material following a technical evaluation. The evaluation shall verify the acceptability of a material for the proposed use. A technical review may include, but not be limited to, the following:

1. Use of professional judgment, the results of third party testing and the manufacture's specifications to determine that the material meets the minimum performance requirements of the construction codes and the requirements of the project specifications;
2. For materials that have been evaluated by ICC Evaluation Services a review of the acceptance criteria and the ICC-ES Evaluation Service Report (ESR) issued in accordance with the acceptance criteria;
3. For materials that are listed and labeled, a review of the listing information and product literature; and
4. Verification that the product has a proven track record of successful use in similar applications.

Records

The applicant of record shall maintain all documents, computations, records, and professional evaluation used as the basis of material approval for a minimum of 6 years in accordance with rules promulgated under the New York State Education Law, 8 NYCRR 29.3. Records shall be made available to the Department upon request.

TABLE 1: APPLICABLE SECTIONS	
2008 NYC Mechanical Code	2008 NYC Fuel Gas Code
MC 304.9	FGC 403.1
MC 506.3.2.3	FGC 404.8.2
MC 507.5	FGC 404.15 Exception
MC 510.8	FGC 410.1
MC 511.1.4	FGC 410.2 Item 1
MC 512.5	FGC 503.7.1
MC 513.10.2 Exception	FGC 615.2.1
MC 603.8*	
MC 603.10	
MC 603.18*	
MC 607.5.3 Exception 2.6	
MC 604.12	
MC 605.1	
MC 701.4.2	
MC 708.1 Item 1	
MC 914.5.1	
MC 926.2.3 Item 2	
MC 1003.2	
MC 1006.6	
MC 1102.2	
MC 1107.4.3	
MC 1202.7	
MC 1203.1	
MC 1203.1.1*	
MC 1203.3.1	
MC 1203.3.4	
MC 1203.3.6	
MC 1203.13	
MC 1209.1	
MC 1301.4 Exception 1	

MC 1302.5	
MC 1302.6	
MC 1303.1	
MC 1303.1.1	
MC 1303.3.4	

*Appears twice in section