

Technical Evaluation Report™

TER 1501-01

Postsaver® System for Use with Sawn Lumber and Round
Posts in Ground Contact Applications

Planet Saver Industries, LLC

Product:
Postsaver® System

Issue Date:

July 16, 2018

Revision Date:

August 10, 2023

Subject to Renewal:

October 1, 2024



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DIVISION: 06 00 00 - WOOD, PLASTICS AND COMPOSITES

SECTION: 06 05 83 - Shop-Applied Wood Coating

SECTION: 06 11 00 - Wood Framing

1 Innovative Product Evaluated^{1,2}

1.1 Postsaver® System

1.1.1 Postsaver® System may be marketed with one of the following names:

1.1.1.1 Postsaver® USA

1.1.1.2 SmartPost™

1.1.1.3 GreenPost™

2 Applicable Codes and Standards^{3,4}

2.1 Codes

2.1.1 IBC—15, 18, 21: *International Building Code®*

2.1.2 IRC—15, 18, 21: *International Residential Code®*

¹ For more information, visit drjcertification.org or call us at 608-310-6748.

² **Federal Regulation Definition.** 24 CFR 3280.2 "Listed or certified" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. **International Building Code (IBC) Definition of Listed.** Equipment, materials, products or services included in a list published by an organization acceptable to the [building official](#) and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose Listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose. **IBC Definition of Labeled.** Equipment, materials or products to which has been affixed a [label](#), seal, symbol or other identifying mark of a nationally recognized testing laboratory, [approved agency](#) or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

³ This Listing is a code defined [research report](#), which is also known as a [duly authenticated report](#), provided by an [approved agency](#) (see [IBC Section 1703.1](#)) and/or an [approved source](#) (see [IBC Section 1703.4.2](#)). An approved agency is "approved" when it is ANAB accredited. DrJ Engineering, LLC (DrJ) is listed in the [ANAB directory](#). A professional engineer is "approved" as an [approved source](#) when that professional engineer is properly licensed to transact engineering commerce. Where sealed by a professional engineer, it is also a duly authenticated report certified by an [approved source](#), (i.e., [Registered Design Professional](#)). DrJ is an ANAB accredited [product certification body](#).

⁴ Unless otherwise noted, all references in this Listing are from the 2021 version of the codes and the standards referenced therein. This material, product, design, service and/or method of construction also complies with the 2000-2021 versions of the referenced codes and the standards referenced therein.

2.2 Standards and Referenced Documents

- 2.2.1 *ANSI/AWC NDS: National Design Specification (NDS) for Wood Construction*
- 2.2.2 *ASTM D143: Standard Test Methods for Small Clear Specimens of Timber*
- 2.2.3 *ASTM D312: Specification for Asphalt Used in Roofing*
- 2.2.4 *ASTM D882: Standard Test Method for Tensile Properties of Thin Plastic Sheeting*
- 2.2.5 *ASTM D1204: Standard Test Method for Linear Dimensional Changes of Nonrigid Thermoplastic Sheeting or Film at Elevated Temperature*
- 2.2.6 *ASTM D4801: Standard Specification for Polyethylene Sheeting in Thickness of 0.25 mm (0.01 in.) and Greater*
- 2.2.7 *ASTM D4976: Standard Specification for Polyethylene Plastics Molding and Extrusion Materials*
- 2.2.8 *AWPA E1: Laboratory Methods for Evaluating the Termite Resistance of Wood-based Materials: Choice and No-choice Tests*
- 2.2.9 *AWPA P20: All Barrier Protection Systems*
- 2.2.10 *AWPA U1: Use Category System: User Specification for Treated Wood*
- 2.2.11 *EN 252: Field test method for determining the relative protective effectiveness of a wood preservative in ground contact*
- 2.2.12 *ENV 807: Wood preservatives. Determination of the effectiveness against soft rotting micro-fungi and other soil inhabiting micro-organisms*

3 Performance Evaluation

- 3.1 Tests, test reports, research reports, duly authenticated reports and related engineering evaluations are defined as intellectual property and/or trade secrets and protected by Defend Trade Secrets Act 2016 (DTSA).⁵
- 3.2 Testing and/or inspections conducted for this TER were performed at an ISO/IEC 17025 accredited testing laboratory,⁶ an ISO/IEC 17020 accredited inspection body,⁷ which are internationally recognized accreditations through International Accreditation Forum (IAF), and/or a licensed Registered Design Professional (RDP).

⁵ <https://www.law.cornell.edu/uscode/text/18/part-II/chapter-90>. Given our professional duty to inform, please be aware that whoever, with intent to convert a trade secret (TS), that is related to a product or service used in or intended for use in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information; shall be fined under this title or imprisoned not more than 10 years, or both. Any organization that commits any offense described in subsection (a) shall be fined not more than the greater of \$5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided. The federal government and each state have a public records act. As the National Society of Professional Engineers states, "Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve." Therefore, to protect intellectual property (IP) and TS, and to achieve compliance with public records and trade secret legislation, requires approval through the use of Listings, certified reports, technical evaluation reports, duly authenticated reports and/or research reports prepared by approved agencies and/or approved sources. For more information, please review this website: Intellectual Property and Trade Secrets.

⁶ Internationally recognized accreditations are performed by members of the International Accreditation Forum (IAF). Accreditation Body and Regional Accreditation Group Members of IAF are admitted to the IAF MLA only after a stringent evaluation of their operations by a peer evaluation team, which is charged to ensure that the applicant complies fully with both international standards and IAF requirements. Once an accreditation body is a signatory of the IAF MLA, it is required to recognise certificates and validation and verification statements issued by conformity assessment bodies accredited by all other signatories of the IAF MLA, with the appropriate scope.

⁷ Ibid.

- 3.3 Postsaver® System has been evaluated to determine its suitability as a barrier system for protection of sawn lumber and round posts used in ground-contact applications where it is required by code to provide the following:
 - 3.3.1 Weather resistance in accordance with AWP A E1 and EN 252
 - 3.3.2 Resistance to fungal decay as required by [IBC Section 2304.12](#) and [IRC Section R317](#)
 - 3.3.3 Protection from subterranean termites where required by [IBC Section 2304.12](#) and [IRC Section R318](#)
 - 3.3.4 Dynamic impact performance in accordance with EN 252
 - 3.3.5 Strength retention of lumber in barrier system in accordance with ASTM D143
- 3.4 Any building code and/or accepted engineering evaluations (i.e. research reports, duly authenticated reports, etc.) that are conducted for this Listing were performed by DrJ Engineering, LLC (DrJ), an [ISO/IEC 17065 accredited certification body](#) and a professional engineering company operated by RDPs / [approved sources](#). DrJ is qualified⁸ to practice product and code compliance services within its scope of accreditation and engineering expertise, respectively.
- 3.5 Engineering evaluations are conducted with DrJ's ANAB [accredited ICS code scope](#), which are also its areas of professional engineering competence.
- 3.6 Any regulation specific issues not addressed in this section are outside the scope of this TER.

4 Product Description and Materials

- 4.1 Postsaver® System, as shown in Figure 1, is a factory-applied polyethylene wrap for wood posts and columns that provides protection from decay and termites when applied to one end of preservative-treated or non-preservative-treated solid sawn lumber and engineered products made from solid-sawn lumber (i.e., glulam or built-up sawn lumber posts/columns).

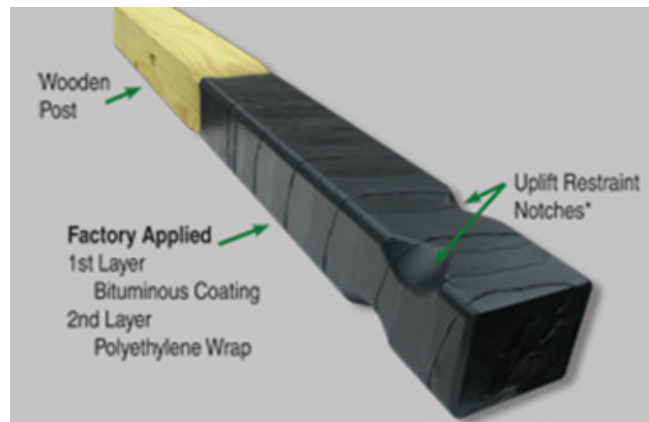


Figure 1. Postsaver® System

4.2 Materials

4.2.1 Wrap:

- 4.2.1.1 Polyethylene sheathing is applied in a spiral technique with a 1½" overlap (minimum 1¼") and shrink-wrapped to the bottom of the wood post. Minimum 0.012" thick (0.30 mm) in accordance with ASTM D4801 and ASTM D4976.

⁸ Qualification is performed by a legislatively defined [Accreditation Body](#). [ANSI National Accreditation Board \(ANAB\)](#) is the largest independent accreditation body in North America and provides services in more than 75 countries. [DrJ](#) is an ANAB accredited [product certification body](#).

4.2.2 *Adhesive:*

4.2.2.1 Bitumen

- 4.2.2.2 Applied to the inside of the polyethylene boot prior to installation on post. Once applied to the post, the heat-shrinking process liquefies the bitumen allowing it to penetrate the wood creating a solid bond. Bitumen is prepared from asphalt in accordance with ASTM D312 or EN 13304 with an average minimum thickness of 0.010" (0.25 mm).

4.2.3 *Wood Post Members:*

- 4.2.3.1 Any grade wood post may be used, but the grade mark shall be visible after fabrication. Preservative treated and engineered wood must feature a quality label from an accredited third-party inspection agency and the label must be visible at all times.

4.3 Postsaver® System applied to preservative-treated wood products are acceptable for use in the following AWPAs Use Categories,⁹ in accordance with AWPAs U1:

- 4.3.1 UC4A Ground Contact – General Use/Non-Critical Component. Typical applications include fence posts, deck posts, guardrail posts, and utility poles located in regions of low natural potential for wood decay and insect attack.
- 4.3.2 UC4B Ground Contact – Heavy Duty/Critical Components. Typical applications include building poles, horticultural posts, and utility poles located in regions of high natural potential for wood decay and insect attack.

5 Applications

5.1 *General*

- 5.1.1 Postsaver® System provides protection to non-preservative-treated and preservative-treated wood posts and columns used in ground contact applications. Non-preservative-treated wood posts and columns protected with the Postsaver® System shall only be used in applications where the building code does not require the above ground portion of the member to be preservative-treated (i.e., covered conditions or applications not exposed to weather).
- 5.1.2 Wood members shall comply with all applicable building codes for each application and the design shall be based on the requirements of each individual application.
- 5.1.3 Duration of load increases shall be in accordance with the limitations of the applicable building code, but not greater than 1.6 in accordance with NDS Section 2.3
- 5.1.4 Where the application exceeds the limitations set forth herein, design shall be permitted in accordance with accepted engineering procedures, experience, and technical judgment.

5.2 *Decay*

- 5.2.1 Postsaver® System was tested in accordance with EN 252 and ENV 807 for decay. No decay was reported in any of the wrapped stakes at the five-year mark of the EN 252 test plan. Wrapping in the ENV 807 testing provided an adequate barrier to prevent moisture intrusion or access to air, which are required in decay.

5.3 *Termite Resistance*

- 5.3.1 Postsaver® System was tested in accordance with AWPAs E1 for termite resistance. Results indicated termites did not feed on wrapped wood even in the absence of other sources of food.

⁹ These are AWPAs designated wood preservation systems and retentions that have been determined to be effective in protecting wood products under specified exposure conditions. The strength of the UCS and its focus is that all wood uses can be placed into one of five major Use Categories that clearly describe the exposure conditions that specific wood products can be subjected to in service. The major Use Categories are further broken down into sub-categories to define the associated degree of biodegradation hazard and product service life expectations for specific products and exposure conditions. The Use Category system is designed to help specifiers and product users locate the appropriate AWPAs Standards that specifies preservatives deemed acceptable for specific products and end-use environments.

5.4 *Dynamic Impact Performance*

- 5.4.1 As part of EN 252 testing, field stakes were purposely punctured/cut in an effort to show equivalent performance to intact barrier stakes after five years of exposure to below-grade contact. Test results confirm those stakes with deliberate punctures/cuts performed as well as those stakes left intact and all exhibited no sign of fungal attack.

5.5 *Strength*

- 5.5.1 As an alternative to ASTM D143 testing, Postsaver® System was analyzed by an independent engineer for the ability of the lumber to retain strength properties after being subject to high heat during the heat shrink process of installing the polyethylene wrap. The conclusion of the analysis letter states:

- 5.5.1.1 New posts on which Postsaver® System boots have been installed according to the manufacturer recommended procedures, will not have impaired structural strength compared to either untreated or preservative-treated posts of the same species, quality, and dimensions.

5.6 *Ground Contact Condition in Residential Wood Foundations*

- 5.6.1 Postsaver® System meets Special Requirement 4.2 in AWP A U1 (see Section 4.3.2) for use in wood foundation systems with a ground contact condition, in accordance with [IRC Section R402.1.2](#).¹⁰

- 5.7 Where the application falls outside of the performance evaluation, conditions of use and/or installation requirements set forth herein, alternative techniques shall be permitted in accordance with accepted engineering practice and experience. This includes but is not limited to the following areas of engineering: mechanics or materials, structural, building science, and fire science.

6 Installation

- 6.1 Installation shall comply with the approved construction documents, the manufacturer installation instructions, this TER and the applicable building code.
- 6.2 In the event of a conflict between the manufacturer installation instructions and this TER, the more restrictive shall govern.
- 6.3 *General*
- 6.3.1 **Note:** Uplift Restraint Notches in bottom of post are enlarged for illustration purposes in the details below.
- 6.3.2 For non-structural applications such as fence posts, mailbox posts, or signposts, the top of the Postsaver® System wrap must be a minimum of 2" above the ground level or concrete surface line (Figure 2).

¹⁰ Special Requirement 4.2 was added to this IRC section in 2018. The 2015, 2012, and 2009 IRC notes to use Commodity Specification A, Category 4B, and Section 5.2 in AWP A U1. Section 5.2 was referenced in error in some cases: use Tables in Section 5 with UC4B in the corresponding version of AWP A U1 referenced by the 2015, 2012, or 2009 IRC as applicable.

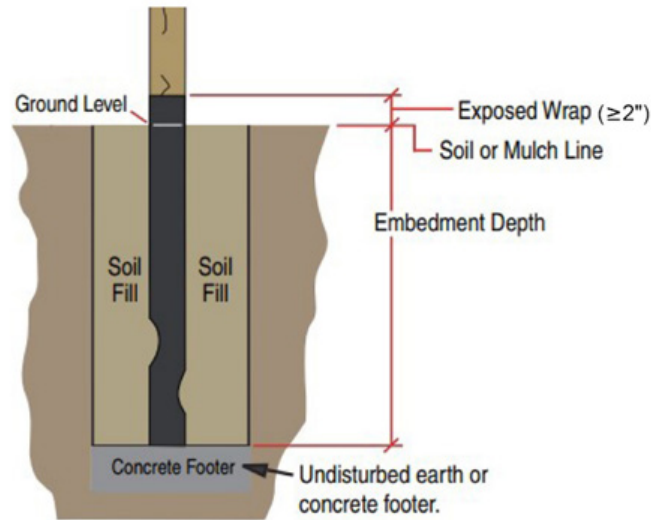


Figure 2. Section View for Non-Structural Applications

- 6.3.3 For structural applications requiring building code compliance, such as support columns for post-frame construction, the top of the Postsaver® System wrap must be a minimum of 8" above the ground level (Figure 3 and Figure 4).

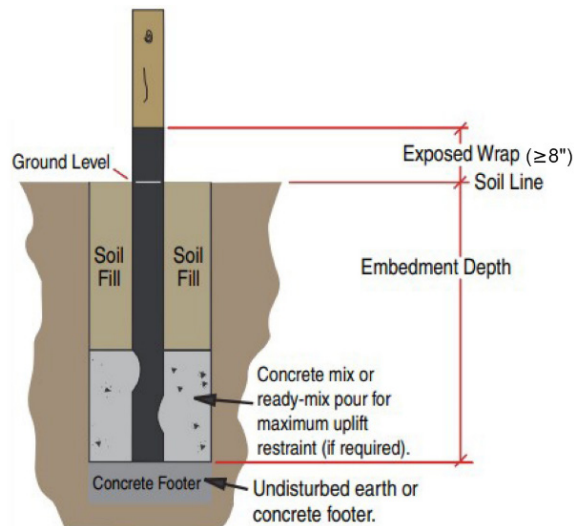


Figure 3. Section View for Structural Application with Exposed Soil

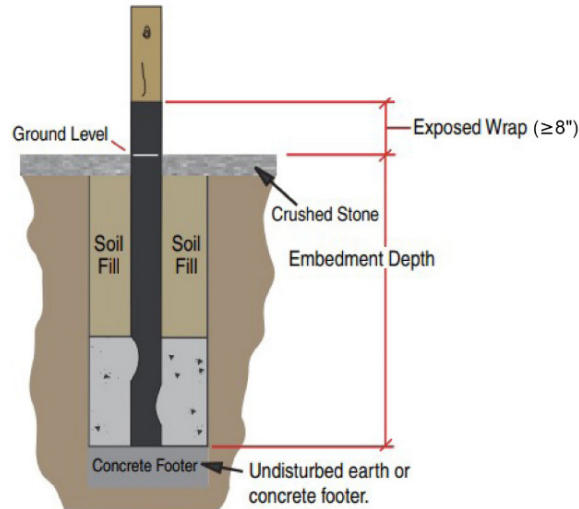


Figure 4. Section View for Structural Application with Crushed Stone

- 6.3.4 If a concrete slab is installed, the top of the Postsaver® System wrap must be a minimum of 2" above the top of the concrete surface line (Figure 5).

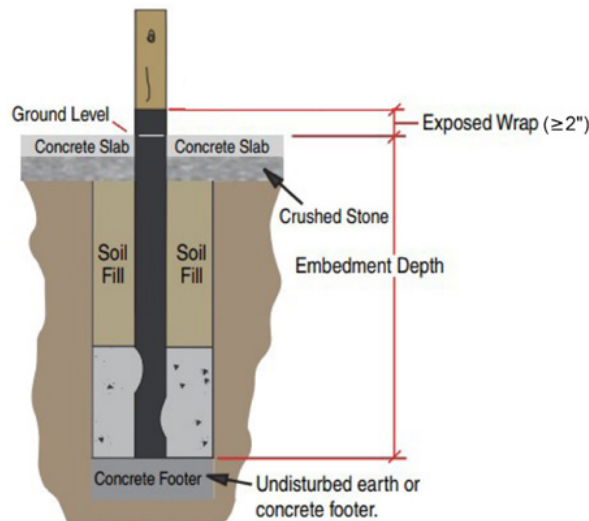


Figure 5. Section View for Structural Application with Concrete Slab

7 Substantiating Data

- 7.1 Testing has been performed under the supervision of a professional engineer and/or under the requirements of ISO/IEC 17025 as follows:
- 7.1.1 Tensile strength and shrinkage in accordance with ASTM D882 and ASTM 4801 (ASTM D1204)
 - 7.1.2 Rate of decay in preservative-treated wood stakes and dynamic impact performance in accordance with EN 252
 - 7.1.3 Prevention of decay by soil-inhabiting microflora in accordance with ENV 807
 - 7.1.4 Termite resistance in accordance with AWPA E1
 - 7.1.5 Professional engineering letter regarding AWPA E10

- 7.2 Professional engineering letter regarding the Postsaver® System process heat effects on post strength
- 7.3 Information contained herein may include the result of testing and/or data analysis by sources that are approved agencies (i.e., ANAB accredited agencies), approved sources (i.e., RDPs), and/or professional engineering regulations. Accuracy of external test data and resulting analysis is relied upon.
- 7.4 Where pertinent, testing and/or engineering analysis is based upon provisions that have been codified into law through state or local adoption of codes and standards. The developers of these codes and standards are responsible for the reliability of published content. DrJ's engineering practice may use a code-adopted provision as the control sample. A control sample versus a test sample establishes a product as being equivalent to the code-adopted provision in terms of quality, strength, effectiveness, fire resistance, durability, and safety.
- 7.5 The accuracy of the provisions provided herein may be reliant upon the published properties of raw materials, which are defined by the grade mark, grade stamp, mill certificate, Listings, certified reports, duly authenticated reports from approved agencies, and research reports prepared by approved agencies and/or approved sources provided by the suppliers of products, materials, designs, assemblies and/or methods of construction. These are presumed to be minimum properties and relied upon to be accurate. The reliability of DrJ's engineering practice, as contained in this TER, may be dependent upon published design properties by others.
- 7.6 Testing and engineering analysis: The strength, rigidity and/or general performance of component parts and/or the integrated structure are determined by suitable tests that simulate the actual conditions of application that occur and/or by accepted engineering practice and experience.¹¹
- 7.7 Where additional condition of use and/or code compliance information is required, please search for Postsaver® System on the DrJ Certification website.

8 Findings

- 8.1 As delineated in Section 3, Postsaver® System has performance characteristics that were tested and/or meet pertinent standards and is suitable for use pursuant to its specified purpose.
- 8.2 When used and installed in accordance with this TER and the manufacturer installation instructions, Postsaver® System shall be approved for the following applications:
 - 8.2.1 Resistance to fungal decay as required by IBC Section 2304.12 and IRC Section R317
 - 8.2.2 Protection from subterranean termites where required by IBC Section 2304.12 and IRC Section R318
 - 8.2.3 Weather resistance in accordance with AWP A E1 and EN 252
 - 8.2.4 Dynamic impact performance in accordance with EN 252
 - 8.2.5 Strength retention of lumber in barrier system
 - 8.2.6 Residential foundation application with a ground contact condition
- 8.3 Any application specific issues not addressed herein can be engineered by an RDP. Assistance with engineering is available from Planet Saver Industries, LLC.
- 8.4 IBC Section 104.11 (IRC Section R104.11 and IFC Section 104.10¹² are similar) in pertinent part states:

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

¹¹ See Code of Federal Regulations (CFR) Title 24 Subtitle B Chapter XX Part 3280 for definition.

¹² 2018 IFC Section 104.9

- 8.5 **Approved:**¹³ Building codes require that the building official shall accept duly authenticated reports¹⁴ or research reports¹⁵ from approved agencies and/or approved sources (i.e., licensed RDP) with respect to the quality and manner of use of new products, materials, designs, services, assemblies, or methods of construction.
- 8.5.1 Acceptance of an approved agency, by a building official, is performed by verifying that the agency is accredited by a recognized accreditation body of the International Accreditation Forum (IAF).
- 8.5.2 Acceptance of a licensed RDP, by a building official, is performed by verifying that the RDP and/or their business entity is listed by the licensing board of the relevant jurisdiction.
- 8.5.3 Federal law, Title 18 US Code Section 242, requires that where the alternative product, material, service, design, assembly, and/or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved, as denial without written reason deprives a protected right to free and fair competition in the marketplace.
- 8.6 DrJ is an engineering company, employs RDPs and is an ISO/IEC 17065 ANAB-Accredited Product Certification Body – Accreditation #1131.
- 8.7 Through ANAB accreditation and the IAF Multilateral Agreements, this TER can be used to obtain product approval in any jurisdiction or country that has IAF MLA Members & Signatories to meet the Purpose of the MLA – “*certified once, accepted everywhere.*” IAF specifically says, “*Once an accreditation body is a signatory of the IAF MLA, it is required to recognise certificates and validation and verification statements issued by conformity assessment bodies accredited by all other signatories of the IAF MLA, with the appropriate scope.*”¹⁶

9 Conditions of Use

- 9.1 Material properties shall not fall outside the boundaries defined in Section 3.
- 9.2 As defined in Section 3, where material and/or engineering mechanics properties are created for load resisting design purposes, the resistance to the applied load shall not exceed the ability of the defined properties to resist those loads using the principles of accepted engineering practice.
- 9.3 As listed herein, Postsaver® System shall not be used:
- 9.3.1 In areas where exposure to Formosan subterranean termites is expected.¹⁷
- 9.4 Do not drop or dump Postsaver® System products when unloading. Do not pick up the wrapped/barrier area of the post with a forklift or crane.
- 9.5 Take all normal precautions to not damage the lumber material when handling. Do not use chains to unload material.
- 9.6 Protect the wooden posts by keeping them off the ground when storing on a jobsite.
- 9.7 Always protect the wrapped/barrier area from excessive heat.
- 9.8 Do not apply banding on the wrapped/barrier area of the posts.
- 9.9 Penetration of the wrap material below ground level by fasteners, bolts, or nails is not permitted. Fastener penetration of the wrap material is permitted as long as it is at least 2" above ground level and there is no direct exposure to weather.
- 9.10 Use of Postsaver® System with non-preservative-treated wood is not permitted in applications where untreated areas of the wood are subject to direct exposure to the weather.

¹³ Approved is an adjective that modifies the noun after it. For example, Approved Agency means that the Agency is accepted officially as being suitable in a particular situation. This example conforms to IBC/IRC/IFC Section 201.4 where the building code authorizes sentences to have an ordinarily accepted meaning such as the context implies.

¹⁴ <https://up.codes/viewer/wyoming/ibc-2021/chapter/17/special-inspections-and-tests#1707.1>

¹⁵ <https://up.codes/viewer/wyoming/ibc-2021/chapter/17/special-inspections-and-tests#1703.4.2>

¹⁶ <https://iaf.nu/en/about-iaf-mla/#:~:text=required%20to%20recognise>

¹⁷ The Formosan subterranean termite (*Coptotermes Formosanus*) has now become established in Florida and other southern states. At least one colony has been found in California (1995). www.termite.com/termites/formosan-subterranean-termite.html



- 9.11 Use in tropical climate zones is outside the scope of this TER.
- 9.12 When required by adopted legislation and enforced by the building official, also known as the authority having jurisdiction (AHJ) in which the project is to be constructed:
- 9.12.1 Any calculations incorporated into the construction documents shall conform to accepted engineering practice, and, when prepared by an approved source, shall be approved when signed and sealed.
 - 9.12.2 This TER and the installation instructions shall be submitted at the time of permit application.
 - 9.12.3 This innovative product has an internal quality control program and a third-party quality assurance program.
 - 9.12.4 At a minimum, this innovative product shall be installed per Section 6 of this TER.
 - 9.12.5 The review of this TER, by the AHJ, shall be in compliance with IBC Section 104 and IBC Section 105.4.
 - 9.12.6 This innovative product has an internal quality control program and a third party quality assurance program in accordance with IBC Section 104.4, IBC Section 110.4, IBC Section 1703, IRC Section R104.4 and IRC Section R109.2.
 - 9.12.7 The application of this innovative product in the context of this TER is dependent upon the accuracy of the construction documents, implementation of installation instructions, inspection as required by IBC Section 110.3, IRC Section R109.2 and any other regulatory requirements that may apply.
- 9.13 The approval of this TER by the AHJ shall comply with IBC Section 1707.1, where legislation states in pertinent part, *"the building official shall accept duly authenticated reports from approved agencies in respect to the quality and manner of use of new materials or assemblies as provided for in Section 104.11"*, all of IBC Section 104, and IBC Section 105.4.
- 9.14 Design loads shall be determined in accordance with the building code adopted by the jurisdiction in which the project is to be constructed and/or by the building designer (i.e., owner or RDP).
- 9.15 The actual design, suitability, and use of this TER, for any particular building, is the responsibility of the owner or the owner's authorized agent.

10 Identification

- 10.1 The innovative product listed in Section 1.1 is identified by a label on the board or packaging material bearing the manufacturer name, product name, TER number, and other information to confirm code compliance.
- 10.2 Additional technical information can be found at www.planetsaverind.com.

11 Review Schedule

- 11.1 This TER is subject to periodic review and revision. For the most recent version, visit drjcertification.org.
- 11.2 For information on the status of this TER, contact [DrJ Certification](#).

12 Approved for Use Pursuant to US and International Legislation Defined in Appendix A

- 12.1 Postsaver® System is included in this TER published by an approved agency that is concerned with evaluation of products or services, maintains periodic inspection of the production of listed materials or periodic evaluation of services, and whose TER Listing states either that the material, product, or service meets identified standards or has been tested and found suitable for a specified purpose. This TER meets the legislative intent and definition of being acceptable to the AHJ.

Appendix A

1 Legislation that Authorizes AHJ Approval

- 1.1 **Fair Competition:** State legislatures have adopted Federal regulations for the examination and approval of building code referenced and alternative products, materials, designs, services, assemblies and/or methods of construction that:
 - 1.1.1 Advance Innovation,
 - 1.1.2 Promote competition so all businesses have the opportunity to compete on price and quality in an open market on a level playing field unhampered by anticompetitive constraints, and
 - 1.1.3 Benefit consumers through lower prices, better quality, and greater choice.
- 1.2 **Adopted Legislation:** The following local, state, and federal regulations affirmatively authorize Postsaver® System to be approved by AHJs, delegates of building departments, and/or delegates of an agency of the federal government:
 - 1.2.1 Interstate commerce is governed by the Federal Department of Justice to encourage the use of innovative products, materials, designs, services, assemblies and/or methods of construction. The goal is to “protect economic freedom and opportunity by promoting free and fair competition in the marketplace.”
 - 1.2.2 Title 18 US Code Section 242 affirms and regulates the right of individuals and businesses to freely and fairly have new products, materials, designs, services, assemblies and/or methods of construction approved for use in commerce. Disapproval of alternatives shall be based upon non-conformance with respect to specific provisions of adopted legislation, and shall be provided in writing stating the reasons why the alternative was not approved, with reference to the specific legislation violated.
 - 1.2.3 The federal government and each state have a public records act. In addition, each state also has legislation that mimics the federal Defend Trade Secrets Act 2016 (DTSA),¹⁸ where providing test reports, engineering analysis and/or other related IP/TS is subject to prison of not more than 10 years¹⁹ and/or a \$5,000,000 fine or 3 times the value of²⁰ the Intellectual Property (IP) and Trade Secrets (TS).
 - 1.2.3.1 Compliance with public records and trade secret legislation requires approval through the use of listings, certified reports, Technical Evaluation Reports, duly authenticated reports and/or research reports prepared by approved agencies and/or approved sources.
 - 1.2.4 For new materials²¹ that are not specifically provided for in any building code, the design strengths and permissible stresses shall be established by tests, where suitable load tests simulate the actual loads and conditions of application that occur.
 - 1.2.5 The design strengths and permissible stresses of any structural material shall conform to the specifications and methods of design using accepted engineering practice.²²
 - 1.2.6 The commerce of approved sources (i.e., registered PEs) is regulated by professional engineering legislation. Professional engineering commerce shall always be approved by AHJs, except where there is evidence, provided in writing, that specific legislation has been violated by an individual registered PE.
 - 1.2.7 The AHJ shall accept duly authenticated reports from approved agencies in respect to the quality and manner of use of new materials or assemblies as provided for in IBC Section 104.11.²³

¹⁸ <http://www.drjengineering.org/AppendixC> and <https://www.drjcertification.org/cornell-2016-protection-trade-secrets>.

¹⁹ <https://www.law.cornell.edu/uscode/text/18/1832#:~:text=imprisoned%20not%20more%20than%2010%20years>

²⁰ <https://www.law.cornell.edu/uscode/text/18/1832#:~:text=Any%20organization%20that,has%20thereby%20avoided>

²¹ <https://up.codes/viewer/wyoming/ibc-2021/chapter/17/special-inspections-and-tests#1706.2>

²² IBC 2021, Section 1706.1 Conformance to Standards

²³ IBC 2021, Section 1707 Alternative Test Procedure, 1707.1 General

- 1.3 **Approved²⁴ by Los Angeles:** The Los Angeles Municipal Code (LAMC) states in pertinent part that the provisions of LAMC are not intended to prevent the use of any material, device, or method of construction not specifically prescribed by LAMC. The Department shall use Part III, Recognized Standards in addition to Part II, Uniform Building Code Standards of Division 35, Article 1, Chapter IX of the LAMC in evaluation of products for approval where such standard exists for the product or the material and may use other approved standards, which apply. Whenever tests or certificates of any material or fabricated assembly are required by Chapter IX of the LAMC, such tests or certification shall be made by a testing agency approved by the Superintendent of Building to conduct such tests or provide such certifications. The testing agency shall publish the scope and limitation(s) of the listed material or fabricated assembly.²⁵ The Superintendent of Building roster of approved testing agencies is provided by the Los Angeles Department of Building and Safety (LADBS). The Center for Building Innovation (CBI) Certificate of Approval License is TA24945. Tests and certifications found in a CBI Listing are LAMC approved. In addition, the Superintendent of Building shall accept duly authenticated reports from approved agencies in respect to the quality and manner of use of new materials or assemblies as provided for in the California Building Code (CBC) Section 1707.1.²⁶
- 1.4 **Approved by Chicago:** The Municipal Code of Chicago (MCC) states in pertinent part that an Approved Agency is a Nationally Recognized Testing Laboratory (NRTL) acting within its recognized scope and/or a certification body accredited by the American National Standards Institute (ANSI) acting within its accredited scope. Construction materials and test procedures shall conform to the applicable standards listed in the MCC. Sufficient technical data shall be submitted to the building official to substantiate the proposed use of any product, material, service, design, assembly and/or method of construction not specifically provided for in the MCC. This technical data shall consist of research reports from approved sources (i.e., MCC defined Approved Agencies).
- 1.5 **Approved by New York City:** The NYC Building Code 2022 (NYCBC) states in pertinent part that an approved agency shall be deemed²⁷ an approved testing agency via ISO/IEC 17025 accreditation, an approved inspection agency via ISO/IEC 17020 accreditation, and an approved product evaluation agency via ISO/IEC 17065 accreditation. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement²⁸ (i.e., ANAB, International Accreditation Forum (IAF), etc.).

²⁴ See Section 8 for the distilled building code definition of Approved

²⁵ Los Angeles Municipal Code, SEC. 98.0503. TESTING AGENCIES

²⁶ <https://up.codes/viewer/california/ca-building-code-2022/chapter/17/special-inspections-and-tests#1707.1>

²⁷ New York City, The Rules of the City of New York, § 101-07 Approved Agencies

²⁸ New York City, The Rules of the City of New York, § 101-07 Approved Agencies

- 1.6 **Approved by Florida:** Statewide approval of products, methods, or systems of construction shall be approved, without further evaluation, by 1) A certification mark or listing of an approved certification agency, 2) A test report from an approved testing laboratory, 3) A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; 4) A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in Florida. For local product approval, products or systems of construction shall demonstrate compliance with the structural wind load requirements of the Florida Building Code (FBC) through one of the following methods; 1) A certification mark, listing, or label from a commission-approved certification agency indicating that the product complies with the code; 2) A test report from a commission-approved testing laboratory indicating that the product tested complies with the code; 3) A product-evaluation report based upon testing, comparative or rational analysis, or a combination thereof, from a commission-approved product evaluation entity which indicates that the product evaluated complies with the code; 4) A product-evaluation report or certification based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a Florida professional engineer or Florida registered architect, which indicates that the product complies with the code; 5) A statewide product approval issued by the Florida Building Commission. The Florida Department of Business and Professional Regulation (DBPR) website provides a listing of companies certified as a Product Evaluation Agency (i.e., EVLMiami 13692), a Product Certification Agency (i.e., CER10642), and as a Florida Registered Engineer (i.e., ANE13741).
- 1.7 **Approved by Miami-Dade County (i.e., Notice of Acceptance [NOA]):** A Florida statewide approval is an NOA. An NOA is a Florida local product approval. By Florida law, Miami-Dade County shall accept the statewide and local Florida Product Approval as provided for in Florida legislation 553.842 and 553.8425.
- 1.8 **Approved by New Jersey:** Pursuant to Building Code 2018 of New Jersey in IBC Section 1707.1 General,²⁹ it states: “In the absence of approved rules or other approved standards, the building official shall accept duly authenticated reports from approved agencies in respect to the quality and manner of use of new materials or assemblies as provided for in the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)”.³⁰ Furthermore N.J.A.C 5:23-3.7 states: Municipal approvals of alternative materials, equipment, or methods of construction. **(a) Approvals:** Alternative materials, equipment, or methods of construction shall be approved by the appropriate subcode official provided the proposed design is satisfactory and that the materials, equipment, or methods of construction are suitable for the intended use and are at least the equivalent in quality, strength, effectiveness, fire resistance, durability and safety of those conforming with the requirements of the regulations. 1. A field evaluation label and report or letter issued by a nationally recognized testing laboratory verifying that the specific material, equipment, or method of construction meets the identified standards or has been tested and found to be suitable for the intended use, shall be accepted by the appropriate subcode official as meeting the requirements of (a) above. 2. Reports of engineering findings issued by nationally recognized evaluation service programs, such as, but not limited to, the Building Officials and Code Administrators (BOCA), the International Conference of Building Officials (ICBO), the Southern Building Code Congress International (SBCCI), the International Code Council (ICC), and the National Evaluation Service, Inc., shall be accepted by the appropriate subcode official as meeting the requirements of (a) above. The New Jersey Department of Community Affairs has confirmed that technical evaluation reports, from any accredited entity listed by ANAB, meets the requirements of item 2 given that the listed entities are no longer in existence and/or do not provide “reports of engineering findings”.

²⁹ https://up.codes/viewer/new_jersey/ibc-2018/chapter/17/special-inspections-and-tests#1707.1

³⁰ <https://www.nj.gov/dca/divisions/codes/codreg/ucc.html>

- 1.9 **Approved by the Code of Federal Regulations Manufactured Home Construction and Safety Standards:** Pursuant to Title 24, Subtitle B, Chapter XX, Part 3282.14³¹ and Part 3280,³² the Department encourages innovation and the use of new technology in manufactured homes. The design and construction of a manufactured home shall conform with the provisions of Part 3282 and Part 3280 where key approval provisions in mandatory language follow: 1) “All construction methods shall be in conformance with accepted engineering practices”; 2) “The strength and rigidity of the component parts and/or the integrated structure shall be determined by engineering analysis or by suitable load tests to simulate the actual loads and conditions of application that occur.”; and 3) “The design stresses of all materials shall conform to accepted engineering practice.”
- 1.10 **Approval by US, Local, and State Jurisdictions in General:** In all other local and state jurisdictions, the adopted building code legislation states in pertinent part that:
- 1.10.1 For new materials that are not specifically provided for in this code, the design strengths and permissible stresses shall be established by tests.³³
 - 1.10.2 For innovative alternative products, materials, designs, services and/or methods of construction, in the absence of approved rules or other approved standards...the building official shall accept duly authenticated reports (i.e., listing and/or research report) from approved agencies with respect to the quality and manner of use of new materials or assemblies.³⁴ A building official approved agency is deemed to be approved via certification from an accreditation body that is listed by the International Accreditation Forum³⁵ or equivalent.
 - 1.10.3 The design strengths and permissible stresses of any structural material...shall conform to the specifications and methods of design of accepted engineering practice performed by an approved source.³⁶ An approved source is defined as a PE subject to professional engineering laws, where a research and/or a technical evaluation report certified by a PE, shall be approved.
- 1.11 **Approval by International Jurisdictions:** The USMCA and GATT agreements provide for approval of innovative materials, products, designs, services, assemblies and/or methods of construction through the Technical Barriers to Trade agreements and the International Accreditation Forum (IAF) Multilateral Recognition Arrangement (MLA), where these agreements:
- 1.11.1 Permit participation of conformity assessment bodies located in the territories of other Members (defined as GATT Countries) under conditions no less favourable than those accorded to bodies located within their territory or the territory of any other country,
 - 1.11.2 State that conformity assessment procedures (i.e., ISO/IEC 17020, 17025, 17065, etc.) are prepared, adopted, and applied so as to grant access for suppliers of like products originating in the territories of other Members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in a comparable situation.
 - 1.11.3 State that conformity assessment procedures are not prepared, adopted, or applied with a view to or with the effect of creating unnecessary obstacles to international trade. This means that conformity assessment procedures shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform to the applicable technical regulations or standards.

³¹ <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-XX/part-3282/subpart-A/section-3282.14>

³² <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-XX/part-3280>

³³ IBC 2021, Section 1706 Design Strengths of Materials, 1706.2 New Materials. Adopted law pursuant to IBC model code language 1706.2.

³⁴ IBC 2021, Section 1707 Alternative Test Procedure, 1707.1 General. Adopted law pursuant to IBC model code language 1707.1.

³⁵ Please see the ANAB directory for building official approved agencies.

³⁶ IBC 2021, Section 1706 Design Strengths of Materials, Section 1706.1 Conformance to Standards Adopted law pursuant to IBC model code language 1706.1.



- 1.11.4 **Approved:** The purpose of the IAF MLA is to ensure mutual recognition of accredited certification and validation/verification statements between signatories to the MLA, and subsequently acceptance of accredited certification and validation/verification statements in many markets based on one accreditation for the timely approval of innovative materials, products, designs, services, assemblies and/or methods of construction. Accreditations granted by IAF MLA signatories are recognised worldwide based on their equivalent accreditation programs, therefore reducing costs and adding value to businesses and consumers.