

As the letter from Scott Perez states **Foam is not allowed to be used for**

FIREBLOCKING. The materials used must meet the following code sections:

“675 IAC 14-4.3-96.5 Section R602.8; fireblocking required

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 96.5. Change item 4 in Section R602.8 to read as follows: 4. At openings around vents, pipes, ducts, cables, and wires at ceiling and floor level, with an approved material to resist the passage of flame and products of combustion. Approved materials shall have demonstrated that they comply with materials listed in R602.8.1 or any of the following:

- a. Materials tested for noncombustibility in accordance with ASTM E136.*
- b. Materials tested under the fire conditions of ASTM E814 or UL 1479.*
- c. Materials tested for use as fireblocking material under the fire conditions of ASTM E 119 and installed in accordance with the specifications under which the material was tested.”*

Partial letter reads as follows:

I believe, based on the research and information I have reviewed, the crux of the issue is in regards to the testing of the product. In the ES Report ESR-1961, dated October 1, 2007 (see attached), it indicates the following regarding the test procedure under Section 3.1, General:

“The foam sealant has a flame-spread index of less than 25 and a smoke-developed index of less than 450 when tested in accordance with ASTM E 84. The packaging consists of a straw, gun or cylinder foam delivery configuration. The foam has been tested in accordance with ASTM E 814 (modified) to establish that the integrity of the fireblocking is maintained when the fireblocking is penetrated.”

What is observed in this report is that all information regarding testing for this product is reduced to only consider the information on the ASTM E 814 test, as there is no mention of the product being tested to conform to either the ASTM E 119 or ASTM E 136 tests. It was also noted that the same report further documented the fact the ASTM E 814 testing was modified, as noted under Sections 3.1 and 6.3.

Additionally, I performed research in regards to the term “(modified)”, and attempted to determine what exactly was modified in the test. All information found indicates the test was deemed “modified” as it did not include a hose-stream test. It was also determined the test preformed by Underwriter’s Laboratory (UL) was modified as well, because as the foam material was “applied to inorganic reinforced cement board” as indicated on the test data BLIS.R13655 (see attached). This is contrary to the purpose of fireblocking for use around wood framing, or similar products utilized in Type V residential construction.

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Finally, upon additional review of the Indiana amendments for R602.8, they state that a product meeting the criteria for "Materials tested under the fire conditions of ASTM E814 or UL 1479", may be utilized. Unfortunately, the amendments do not address the viability of a "modified" version of ASTM E814. Therefore I am provided with two conclusions:

1. The 2005 Indiana Residential Code does not provide for a modified version of the ASTM E 814 test.
2. The test data indicates the product only meets the criteria of ASTM E 814 because the test was modified.

Given these two facts, I have determined this product, as well as similar products of this type, does not meet the criteria for use as fireblocking in Type V residential construction as defined by Section R602.8 of the 2005 Indiana Residential Code.

Please be advised that if you desire administrative review of this action, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Room W-246, Indianapolis, IN 46204, identifying the action for which you seek review **no later than 18 days from the mailing date of this action** unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be FINAL and you MUST comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this action prior to filing a petition for review. Such information, discussion, or a request therefore, does not extend the deadline for filing a petition for review and, therefore, any requested for an information discussion should be made promptly, by telephone at (317) 232-1404, facsimile at (317) 232-0146, or by email to sperez@dhs.in.gov upon receipt of this action.

This written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the building law compliance officer in the Department of Homeland Security publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

Regards,
Indiana Department of Homeland Security

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