

**NEW YORK STATE DEPARTMENT OF STATE**

Division of Code Enforcement and Administration
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Facsimile Transmission Sheet

DATE: December 19, 2007

TO: Phil Trezcinski, No-Burn of Central New York
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FROM: Cheryl A. Fischer, P.E. *Cheryl A. Fischer*
Assistant Director for Code Interpretation

NOTE: No-Burn surface applied fire-retardant coatings

This is in response to your question regarding the ICC ES Report ESR-1838 for No-Burn surface applied fire-retardant coatings. RCNYS 104.11 and BCNYS 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, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the State Fire Prevention and Building Code Council finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

The second sentence allows the Code Council to approve alternative materials, design and methods of construction and equipment, by means of the ICC ES reports (similar to the old Certificates of Acceptability). New York State will accept Evaluation Service Reports (ES Reports), by ICC Evaluation Service, which state that the product complies with the International Code, 2000 edition for the NYS 2003 edition and the International Code, 2003 edition for the NYS 2007 edition (effective January 1, 2008). The No-Burn ES report, NER-1553 provides compliance with the 2006 editions of the ICC Codes. The Code Council is in the process of reviewing the 2006 ICC codes for use in New York State. There is no reason for the Code Enforcement Official to not approve the use of this product at this time. The product is required to be installed in accordance with the requirements of ESR-1838 (copy attached).

Number of sheets (including cover sheet) 4
If there is a problem or question, call (518) 474-4073

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