



NEW YORK STATE DEPARTMENT OF STATE

Phone : (518) 474-4073
www.dos.state.ny.us

Fax : (518) 486-4487
E-mail: info@dos.state.ny.us

TECHNICAL BULLETIN

Effective Date: January 1, 2003

Source Document: Uniform Fire Prevention and Building Code

Topic: Installation of Unlisted Equipment & Systems

This document provides information regarding the installation of unlisted equipment and systems in buildings, and discusses the issue with regard to the Uniform Fire Prevention and Building Code (Uniform Code) that was in effect from January 1, 1984 through December 30, 2002, as well as the Uniform Code that comes into effect on July 3, 2002. For the purposes of clarity in identifying substantively differing versions of the Uniform Code, the regulations in effect from January 1, 1984 will be referred to in this bulletin as the Uniform Code; the regulations in effect from July 3, 2002 will be referred to as the *Building Code*, *Fire Code*, *Residential Code*, *Mechanical Code*, *Plumbing Code*, *Fuel Gas Code*, *Property Maintenance Code* and *Energy Code*, when individually referenced, and as the *Codes of NYS*, when referred to as a whole.

What do the Uniform Code and the Codes of NYS say about listing of equipment?

In the Uniform Code, there are numerous requirements for the design and installation of equipment which require that equipment be listed, and that it be installed in accordance with the terms of the listing. Section 850.3 provides that, "The design and installation of equipment shall conform to the requirements of section 610.1 of this code." Section 610.1(c) provides that, "Approval of listed or labeled equipment, devices or material, shall be based upon compliance with the requirements of this code and certification by a testing laboratory." Taken together, these two sections mean that equipment installed in buildings must comply with referenced standards or the code's performance standards, and must have a certification (i.e., 'listing') that it complies with the code, its referenced standards or both.

Section 606.3(a)(126) defines listed as "Equipment, devices or materials included in a list published by a nationally recognized testing laboratory whose listing indicates that the equipment, device or material complies with applicable nationally recognized standards or has been tested and found suitable for use in a specified manner." The official NFPA definition of listed is "Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction 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 the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose."

The *Codes of NYS* also contain numerous requirements for listed materials and equipment. While there are no general scoping statements for listed equipment, as in sections 850.3 and 610.1(c) of the Uniform Code, and there are some minor differences in wording of the definition of 'listed' in the various *Codes of NYS*, individual code provisions provide adequate scoping language for code officials to require that equipment be listed.

Do the Uniform Code or the Codes of NYS permit the installation of unlisted equipment or systems?

Neither the Uniform Code nor the *Codes of NYS* permit unlisted equipment to be installed in buildings. Both

codes specifically provide for listing throughout their respective texts, and define listed products as being on a list published by an approved organization or laboratory. While there are several sections in the *International Fuel Gas Code* and the *International Residential Code* that do allow for the approval of unlisted appliances, these have been deleted from the *Fuel Gas Code* and the *Residential Code*.

Can equipment that does not have a current listing, but was listed at an earlier date, be installed in buildings?

An integral qualification for listed equipment is the provision of follow-up services that include periodic inspection of production of listed equipment. Where the listing of certain equipment or systems has been discontinued, the listing organization cannot meet this criterion of the definition, and cannot provide any assurance that equipment or systems are continuing to be manufactured in accordance with an approved testing standard. New installations that conform with obsolete installation manuals that are not referenced in current lists should not be considered to be installed in accordance with a Listing. Such equipment or systems should not be accepted as conforming with the requirements of the Uniform Code or the *Codes of NYS*.

***Ronald E. Piester, R.A., Director
Division of Code Enforcement and Administration***