NEW YORK STATE DEPARTMENT OF STATE

Division of Code Enforcement and Administration

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T E C H N I C A L B U L L E T I N

Code Effective Date: **January 1, 2008** **R E V I S E D**

TO: **Code Enforcement Official**

SUBJECT: **Alternative materials, design and methods of construction and equipment**

CEO approval or ES Reports:

BCNYS 103.3 and RCNYS 103.3 (also PCNYS, MCNYS, FCNYS, FGCNYS)-

Alternative materials, design and methods of construction and equipment, state:

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 by the ***code enforcement official*** *or the State Fire Prevention and Building Code Council. An alternative material, design or method of construction may only be approved when it is determined to comply with the intent of the provisions of this code and be at least equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.*

New York State Code Council will accept Evaluation Service Reports (ES Reports), by ICC Evaluation Service, including ES Legacy Reports, which state that the product complies with the particular code sections in the International Building Code, 2003 Edition (or other International Codes by ICC). Additionally, ICC has created a new separate ES Report category, ICC-ES-PMG, for plumbing, mechanical and fuel gas products that the NYS Code Council will also accept. The *Building Code of New York State* (BCNYS) is the International Building Code except as modified by New York State. Thus, except where the text is modified by NYS, these evaluation reports are applicable for the new Uniform Code, without further documentation from the Code Council. These reports replace the Certificates of Acceptability previously issued by NYS (which expired December 31, 2002). These evaluation reports are not required, but are a convenience for the product manufacturers, especially when the product is an alternative to strict compliance. The reports can be found on the ICC website: www.iccsafe.com

When the code enforcement official approves an alternative it is important to verify the alternative meets the requirements of the second sentence in the code section.

Ronald E. Piester, AIA, Director
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