



NEW YORK STATE DEPARTMENT OF STATE
Division of Code Enforcement and Administration

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TECHNICAL BULLETIN

Effective Date: January 1, 2003

TO: Code Enforcement Official

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

CEO approval or ES Reports:

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 first sentence allows the code enforcement official to approve (see definition) alternative materials, design and methods of construction and equipment. The second sentence allows the Code Council to approve them, 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, including ES Legacy Reports, which state that the product complies with the particular code sections in the International Building Code, 2000 Edition (or other International Codes by ICC). The new 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

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