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January 1, 2010.

To Whom It May Concern:

Re: **QUESTIONS RE: COMPLIANCE OF NUDURA® INTEGRATED BUILDING TECHNOLOGY INSULATED CONCRETE FORM SYSTEM TO THE 2009 INTERNATIONAL BUILDING CODE FAMILY – DURING RE-EVALUATION PROCESS**

This letter is intended to address concerns which may arise during the time period in which NUDURA's ESR-2092 ICC-ES Evaluation Report is under formal re-evaluation for compliance to the 2009 International Building Code and therefore any other Codes based on this particular Code or the 2006 International Building Code

Be advised that NUDURA Corporation completed submission process for re-evaluation of its former Legacy reports (NER-663 and ER-6163) on November 2, 2006 (the noted release date of the report). At that time, NUDURA specifically requested that the ICC-ES release the report making notation to the LATEST International Code (for 2006) since the Code had already been released by the report issue date. NUDURA was advised at issue that, SINCE our application had been submitted on December 15, 2005 (only 1 month before the latest code edition came into effect), review would be conducted on the basis of the code applicable at that time (2003). (It should be noted that this submission represented a culmination of over 3 years of work in testing and documentation preparation – nearly 5000 pages of data). In the time period between application and the release of the 2006 Building Code, the Acceptance Criteria for both Form systems (AC-15) AND Foam Plastic Insulation (AC-12), the two acceptance criteria on which Evaluation of ICFs is based ---- DID NOT change.

However, part and parcel of the evaluation process that is involved to ensure that the product meets the dictates of the 2009 IBC, the ICC-ES has now adopted Acceptance Criteria 353 which combines the ICF product related elements of both AC -12 and AC-15 together in a single documented intended for evaluation of ICF products. Again, there is LITTLE difference between the criteria but nonetheless the formalized process becomes yet again – a question of repeated volumes digital and paper documentation to update applications, Quality Control Manuals, editorial amendments in order to meet ALL of the formal requirements of the Evaluation Process. In addition, a new manufacturing plant is being added to the report and plant certification and product testing qualifications HAD to be conducted to assure compliance to the exact wording of the amended criteria. All of these operations serve to propagate what should be a typical 6 month process into an operation of 2 years or more.

We have ACTIVELY been seeking re-evaluation to the dictates of the 2006 and now 2009 Code since December of 2007 when the new acceptance criteria came out. Again, this is a lengthy process and with minimal staff levels at both manufacturing and evaluation office locations – the process does NOT occur quickly.

Therefore, in respect of the administrative and logistical issues that ensue in such submission we respectively ask the appropriate municipality questioning the validity of our report as to it's compliance to the 2009 IBC - to consider the following facts:

- NUDURA originally requested that our report be released NOTING it's compliance to the 2006 IBC.
- NUDURA's ICC-ES Evaluation report (ESR-2092) was completed and released AFTER the IBC 2006 had been formally adopted so logic would dictate that the evaluation agency was fully cognizant of the 2006 Code at time of NUDURA's report release.
- NUDURA applied for re-evaluation of it's report IMMEDIATELY upon the adoption of the new AC 353 Evaluation Criteria in December of 2007.
- There have been NO significant changes in the manner in which our products are manufactured over the entire 2.5 year time period since the release of ESR-2092.
- During this time period, NUDURA Corporation has kept both annual and monthly maintenance fees current with the ICC-ES and have kept their evaluation staff current with our status of progress on our document submissions required for the compliance.
- In addition, we have maintained CONSTANT 3rd party quarterly evaluation and certification quality control inspections of our plants through Intertek Testing Services as is required by the terms of our agreement with the ICC-ES.

We invite you to contact our Evaluation Officer, Mr. Michael O'Reardon at the Birmingham Regional office (Phone: (205) 599-9800 Ext.5685) who can corroborate the above noted facts regarding our submission.

I also invite ANY Building Authority questioning NUDURA's ability to formally comply with the prevailing 2009 IBC to contact me directly. I would be more than happy to answer any questions that they may have concerning our product and testing which we have on the system.

I can be reached via any of the following contacts:

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Very best regards,

A handwritten signature in black ink, appearing to read "Keven Rector". The signature is stylized and cursive.

Keven C. Rector, B.Tech.ARSC.
Technical Services Manager
NUDURA Corporation