



**Homeland  
Security**

November 13, 2017

**CERTIFICATE OF SAFETY ACT DESIGNATION**

Mr. Ray Biagini  
850 10<sup>th</sup> Street Northwest  
Washington, D.C. 20001

Re: Owens Corning Perimeter Fire Barrier Containment System, FireSpan<sup>®</sup> Mineral Wool Products, and Insolutions Design and Installation Services  
Application ID #: (F-990-A) C-OWENS1-OCAPP1-1

Dear Mr. Biagini:

The Department of Homeland Security (the “Department”) has completed its review and evaluation of your application relating to Owens Corning Perimeter Fire Barrier Containment System, FireSpan<sup>®</sup> Mineral Wool Products, and Insolutions Design and Installation Services, described in Exhibit A (the “Technology”), pursuant to the Support Anti-terrorism by Fostering Effective Technologies Act of 2002, 6 U.S.C. §§ 441–444, (the “SAFETY Act”), and the Regulations Implementing the Support Anti-terrorism by Fostering Effective Technologies Act of 2002, 6 C.F.R. Part 25, 71 Fed. Reg. 33147, 33159 (June 8, 2006) (the “Regulations”). Pursuant to Section 25.3 of the Regulations, the Secretary of the Department (the “Secretary”) has delegated responsibilities, powers, and functions under the SAFETY Act, except the authority to determine an act is an Act of Terrorism for purposes of Section 444(2) of the SAFETY Act, to the “Under Secretary for Science and Technology of the Department of Homeland Security or the Under Secretary’s designees.”

After thoroughly reviewing the analysis of the Department’s Office of SAFETY Act Implementation regarding this application and the Technology, I have determined the Technology satisfies the criteria set forth in Section 441(b) of the SAFETY Act and in Section 25.4(b) of the Regulations. Accordingly, I hereby issue a Designation (as defined in Section 25.2 of the Regulations) for the Technology to Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, Owens Corning, and Thermafiber, Inc. (the “Sellers”).

**TERMS AND CONDITIONS**

- Description of Technology. This Designation applies only to the Technology described in Exhibit A (attached).

- Seller of the Technology. Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, all Delaware limited liability companies, and Owens Corning and Thermafiber, Inc., both Delaware corporations, are the Sellers of the Technology for purposes of the SAFETY Act, the Regulations (including Section 25.2 of the Regulations), and this Designation.
- Term of Designation. This Designation is effective on the date of this Certificate of Designation (the “Designation Issuance Date”), and will terminate on December 31, 2022, unless it is terminated earlier in accordance with the Regulations (in which event the earlier date of termination shall be deemed to be the “Designation Termination Date”). The Seller may apply for renewal of this Designation at any time beginning on December 31, 2020.
- Earliest Date of Sale. For purposes of Section 25.7(c) of the Regulations, the earliest date of sale of the Technology to which this Designation applies is January 1, 2006 (the “Earliest Date of Sale”). This Designation applies, and will apply, to all sales of the Technology by the Seller that were or are consummated at any time during the period commencing on the Earliest Date of Sale and ending on the Designation Termination Date.
- Insurance.
  - Liability Insurance Required: Pursuant to Section 443(a) of the SAFETY Act and Sections 25.5(a) and (g) of the Regulations, the Seller shall obtain or maintain the following liability insurance for otherwise compensable third-party claims arising out of, relating to, or resulting from an Act of Terrorism when the Technology has been deployed in defense against, response to, or recovery from such an act:
    - The Seller shall obtain and maintain, on an annual basis, third-party liability coverage for Acts of Terrorism with a per-occurrence level of no less than \$150,000,000.
    - For claims not covered by policies the Seller obtained and maintained due to exclusions, the Seller will have no liability or a liability less than \$150,000,000.
  - Policy Erosion: The Seller shall report to the Office of SAFETY Act Implementation any material change to the Seller’s required liability insurance policies, including any event which may reduce the liability insurance amounts that would be available to satisfy third-party claims in the event of an

Act of Terrorism. Material reductions in the Seller's current policies due to other claims, defense costs, and other factors shall also be reported.

- Insurance Certification: Pursuant to Section 25.5(h) of the Regulations, within 30 days after the Designation Issuance Date, the Seller must certify in writing to the Under Secretary that the Seller has obtained and will maintain the liability insurance this Designation requires. In accordance with the Department's interpretation of the SAFETY Act and the Regulations, I have determined that during the term of this Designation none of the entities specified in Sections 443(a)(3)(A) and (B) of the SAFETY Act and the corresponding provisions in the Regulations (Section 25.5(c)) has or will have any "potential liability for involvement in the manufacture, qualification, sale, use, or operation of Qualified Anti-Terrorism Technologies deployed in defense against, response to, or recovery from an Act of Terrorism" (within the meaning of Section 443(a)(3) of the SAFETY Act and Section 25.5(c) of the Regulations), and therefore it is not mandatory the liability insurance required above protect such entities.
- Term of Insurance: Pursuant to Section 25.5(g) of the Regulations, the liability insurance this Designation requires will be in effect for one year from the Designation Issuance Date. The Under Secretary or the Under Secretary's designee may review and revise the liability insurance required in accordance with Section 25.5(b), including an updated evaluation of risk, Technology effectiveness, and insurance availability cost data. If the Under Secretary or the Under Secretary's designee reviews and revises the required amount of liability insurance, the Seller shall have a continuing obligation, pursuant to Section 25.5(h) to certify to the Under Secretary in writing the Seller has obtained the revised required insurance. If the Under Secretary or the Under Secretary's designee does not review and revise the liability insurance this Designation requires, the current liability insurance required will extend for one year on the anniversary of the Designation Issuance Date. Further information and procedures may be obtained by contacting the Office of SAFETY Act Implementation.
- Act of Terrorism. The SAFETY Act provides liability and risk management protections to Sellers of Qualified Anti-Terrorism Technologies that are or will be deployed in defense against, response to, or recovery from Acts of Terrorism as defined in the SAFETY Act. Pursuant to 6 U.S.C. § 444(2), the Secretary has the authority to determine that an event constitutes an Act of Terrorism for purposes of triggering the SAFETY Act's protections. 6 U.S.C. § 444(2) defines an Act of Terrorism as an act that meets the three statutory requirements as further defined and

specified by the Secretary. Pursuant to 6 U.S.C. § 444(2), the Secretary may determine an event meets these requirements as further defined and specified by the Secretary based on the facts and circumstances of the event.

- Special Restrictions on Transfer and Assignment. None
- Special Restrictions on Licensing. None
- Other Conditions. Within one-year of the Designation Issuance Date, the Seller shall provide:
  - Information showing how Insolutions design services resulted in successful deployments of the Technology. This shall include: project plans, case studies, and acceptance or inspection approval information;
  - Customer testimonials documenting the effective implementation of service elements; and,
  - Updated process documents: this shall include information about, and examples of, peer and other quality reviews of design elements.

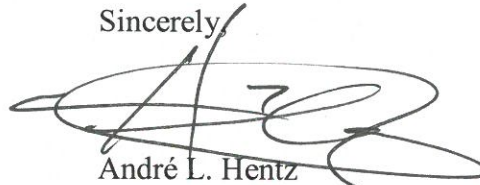
Except for terms expressly defined in this Designation, all terms used in this Designation shall have the meanings ascribed to them in the SAFETY Act or the Regulations. This Designation is issued under the authorities set forth in, and in accordance with, the SAFETY Act and the Regulations. The SAFETY Act and the Regulations contain other requirements applicable to the Seller and the Technology. In the event of any conflict between this SAFETY Act Designation and the SAFETY Act or the Regulations, the SAFETY Act or the Regulations (as the case may be) shall take precedence and shall control. This issuance of Designation under the SAFETY Act does not constitute compliance with any statutory or regulatory requirements other than those imposed by the SAFETY Act and the Regulations, and does not relieve the Seller of any obligations it might have under any other Federal, State, or local statutes or regulations.

As an added benefit for obtaining SAFETY Act Designation, the Department can grant Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, Owens Corning, and Thermafiber, Inc. authorization to use the SAFETY Act Designated® mark. The SAFETY Act Designated® mark is only available for use by those Sellers of technologies that have obtained SAFETY Act Designation. The Department controls the use of the mark to ensure its display by a Seller serves as an indication the displaying Seller has obtained SAFETY Act Designation from the Department for a certain identifiable technology/product/service. At this time, the Department is requiring users to sign a usage agreement to use the mark. Your usage agreement will be provided in a separate communication from the Office of SAFETY Act Implementation. Please follow the instructions for signing and obtaining the SAFETY Act Designated® mark.

Lastly, please note the Department's current policy prohibits the official Department of Homeland Security seal from being used in a manner implying endorsement of any commercial product, service, or policy of a commercial entity. Although Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, Owens Corning, and Thermafiber, Inc. have obtained SAFETY Act Designation for a specific anti-terrorism technology, the Department cannot endorse Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, Owens Corning, and Thermafiber, Inc.'s Technology over another. Therefore, the Department does not grant authorization to use the official Department of Homeland Security seal in conjunction with designations or certifications. However, the use and display of the SAFETY Act Designated® mark is an additional benefit bestowed upon the Sellers that have obtained SAFETY Act Designation.

Any questions regarding this Designation should be directed to the SAFETY Act Help Desk by e-mail at [SAFETYActHelpDesk@dhs.gov](mailto:SAFETYActHelpDesk@dhs.gov) or by phone at 1-866-788-9318. Please reference application number (F-990-A) C-OWENS1-OCAPP1-1 in all correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hentz', written over a large, stylized circular flourish.

André L. Hentz  
Deputy Under Secretary (Acting) for Science and  
Technology

Attachment:

1. Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, Owens Corning, and Thermafiber, Inc., Exhibit A

## EXHIBIT A

F-990-A

**OWENS CORNING SALES, LLC, OWENS CORNING MINERAL WOOL, LLC, OWENS CORNING INSULATING SYSTEMS, LLC, OWENS CORNING, AND THERMAFIBER, INC.  
C-OWENS1-OCAPP1-1 – OWENS CORNING PERIMETER FIRE BARRIER CONTAINMENT SYSTEM, FIRESPAN® MINERAL WOOL PRODUCTS, AND INSOLUTIONS DESIGN AND INSTALLATION SERVICES**

Owens Corning Sales, LLC, Owens Corning Mineral Wool, LLC, Owens Corning Insulating Systems, LLC, all Delaware limited liability companies, and Owens Corning and Thermafiber, Inc., both Delaware corporations, (collectively “the Applicant”) provides Owens Corning FireSpan®, Safing and Sound Attenuation Fire Blankets (“SAFB™”) mineral wool products, perimeter fire barrier containment systems, and Insolutions design and installation services (the “Technology”). The Technology is a set of passive perimeter protection products and services designed to protect buildings from fire that may spread at joints between floors and exterior walls and to limit or impede the movement of fire, smoke, and hot gases between floors in high-rise or multi-story buildings. The Technology includes:

- Mineral wool insulation products resistant to fire up to temperatures of 2000°F (1093°C), can be installed in wood- or steel-frame buildings, are available in different thicknesses, and include the following:
  - FireSpan® 40 (nominal density 4.0 pounds per cubic foot, “pcf”) and FireSpan® 90 (nominal density of 8.0 pcf) intended for use in curtain walls or perimeter fire containment assemblies;
  - Safing insulation (nominal density of 4.0 or 6.0 pcf) intended for use in perimeter fire containment assemblies, floor and wall penetrations, construction joints (also called Thermafiber® TopStop®), and with third-party provided smoke sealing barriers; and
  - SAFB™, which is available in densities of 2.5 and 4.0 pcf, is intended to provide acoustic control, thermal performance, and fire protection in wall and floor-ceiling containment assemblies.
- Perimeter fire barrier systems, also called fire containment systems, are designed to impede the spread of fire, smoke, and hot gases vertically through the exterior façade, or curtain wall, of buildings at the interior joints where the exterior non-rated curtain wall bypasses the rated floor assemblies, and they incorporate Thermafiber® mineral wool products, with Impasse® metal hangers or other approved mechanical fasteners, backer bars, spiral anchors, and third-party provided elastomeric polymer to impede passage of smoke and fumes.

The assemblies are rated to withstand fire for 1, 2, and 3 hours. The perimeter fire barrier system is used in hundreds of tested assemblies issued by Intertek and UL, and they are also the basis for the design in Engineering Judgments, issued by the Insolutions Services, in which project conditions are sufficiently similar to the tested assemblies. Available assemblies are:

- CW-01 Aluminum-Framed Curtain Wall Perimeter Fire Containment System tested in accordance with the ASTM International Standard ASTM E2307-15be1 *Standard Test Method for Determining Fire Resistance of Perimeter Fire Barrier Systems Using Intermediate-Scale, Multi-Story Test Apparatus*;
  - SS-04 Steel Stud Perimeter Fire Containment System (also tested in accordance with ASTM E2307);
  - CMU-04 Concrete Masonry Unit (“CMU”) Wall Systems, which are Fire Resistant Joints tested in accordance with ASTM E1966-15 *Standard Test Method for Fire Resistive Joint Systems* or the American National Standards Institute (“ANSI”)/UL 2079 *Standard for Tests for Fire Resistance of Building Joint Systems*; and
  - CW-D Thermafiber® FireLedge® system that does not require the use of a backer bar tested in accordance with ASTM E2307.
- Insolutions design and installation are consulting and technical support services provided by trained and qualified personnel. Working with curtain wall manufacturers and building architects, the consultants produce engineering judgments, computer-assisted drawings, and recommendations for fire containment barrier systems in buildings.

The Technology also includes installation instructions, training for firestop installers or other customers, vendor selection criteria, and technical guidance during installation of perimeter fire barrier systems.