



**APPLICATION FOR EXCLUSION OF CONCRETE
BLOCK PRODUCT FROM ASSESSMENT**

The undersigned hereby applies for a determination that the following product is excluded from assessment pursuant to the Concrete Masonry Products Research, Education, and Promotion Act of 2018 and 15 CFR 1500 et. seq.

The product to be excluded is identified by the following name:

The physical characteristics of the product are:

Length _____

Width _____

Height _____

Approximate Weight: _____

Composite Materials: _____

Method of Manufacture: _____

The reason(s) that qualify the product for exclusion from assessment: _____

How will you identify the product separately from products subject to assessment?:



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CHECKOFF

How will you track and account for the product for audit purposes?:

Is there any other information that you would like considered when evaluating this product for determination of whether it is subject to assessment?:

Please provide photographs of the product from all sides.

Submitted By:

Company Name Date

Address

Contact Person

Telephone Email

The Application for Exclusion will be reviewed by a Task Group of the Board, which will issue a written determination within 60 days of receipt of the Application. The determination will be reviewed by the full Board at its next meeting. The majority decision and determination of the Board will be submitted to the Secretary of the Department of Commerce for review. The determination of the Secretary of Commerce will be final.

It is official policy of the Concrete Masonry Checkoff Board that all information provided on this application will remain protected information and only be used in the conduct of official Board business.



Relevant Regulations:

The Board recognizes the application of the following sections of 15 CFR 1500 to the determination of which masonry products are subject to assessment:

“There shall be an assessment on the first sale of concrete masonry units only and not on subsequent sales of concrete masonry units already assessed.” 15 CFR 1500.51

“*Concrete masonry unit* means a concrete masonry product that is a manmade concrete masonry unit having an actual width of 3” or greater and manufactured from dry-cast concrete using a block machine. Such term includes concrete block and related concrete units used in masonry applications.” 15 CFR 1500.6

“*Masonry unit* means a noncombustible building product intended to be laid by hand or joined using mortar, grout, surface bonding, post-tensioning or some combination of these methods.” 15 CFR 1500.15

“*Block machine* means a piece of equipment that utilizes vibration and compaction to form concrete masonry products.” 15 CFR 1500.2

“*Dry-cast concrete* means a composite material that is composed essentially of aggregates embedded in a binding medium composed of a mixture of cementitious materials (including hydraulic cement, pozzolans, or other cementitious materials) and water of such a consistency to maintain its shape after forming in a block machine.” 15 CFR 1500.9

“*Concrete masonry products* means a broader class of products, including concrete masonry units as well as hardscape products such as concrete pavers and segmental retaining wall units, manufactured on a block machine using dry-cast concrete.” 15 CFR 1500.5

The Board further recognizes the following commentary from the US Department of Commerce Final Rule; Notice of Referendum dated September 15, 2021, Federal Register, Vol. 86, No. 176, Page 51458:

“The following is a non-exhaustive list of examples of products that would fall within the definition of a concrete masonry unit (defined in Section 1400.6):

(A) Concrete Block, including:

- (1) Gray
- (2) Architectural
- (3) Prefaced
- (4) Those joined by any method in masonry construction:
 - (i) bed joint mortar or adhesives
 - (ii) Dry-stacked and joined by filling cores solid with grout or joined by other means
 - (iii) Post tensioned
 - (iv) Surface bonded
- (5) Sound wall block
- (6) Fence block



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- (7) Lintel Block – while lintels designed to span an entire opening are excluded, those concrete masonry units joined to create a lintel are included
 - (8) Chimney, Pilaster or Column Block
 - (9) Screen Block – these architectural units are included if their widths are greater than 3 inches if they are made on a block machine
 - (10) Concrete Sill Block – these units and related specialty units are included if their widths are greater than 3 inches if they are made on a block machine
 - (11) Concrete Block formed with concrete masonry face shells and other materials to create a masonry unit used in masonry construction
- (B) Concrete Brick (Architectural only)
- (C) Concrete Masonry Veneer Units (greater than 3 inches in width)”

4 Element Test for Application of Assessment

In accordance with the provisions of 15 CFR 1500 shown above, the Board will generally apply the following 4-part test to determine which products are subject to assessment:

1. Only products made of dry-cast concrete will be assessed.
2. Only products made on mechanized equipment such as a block machine that utilizes vibration and compaction to form the product will be assessed.
3. Only products suitable for use in masonry construction will be assessed. In this regard, “masonry” means a built-up construction or combination of building units bonded together with or without mortar, grout or other methods of joining.
4. Only products with an actual width (or bed depth) of 3 inches or greater will be assessed.

Manufacturers should consult the Board’s website for examples of products that are assessed and products that are excluded from assessment.

Masonry Units Utilized for Other Purposes

Questions have arisen regarding whether the assessment applies to masonry units typically used for traditional masonry applications but that are also used for other purposes. **It is the Board’s determination that such products are subject to assessment, regardless of the use to which the products are ultimately put.**

Absent a determination of Exclusion pursuant to this Policy, all products meeting the 4-part test set forth above are subject to assessment.