



# National Tile and Stone Authority

## NTSA Forensic Principles Series

### The Standard Says What?

#### *Why Citing a Standard Is Not the Same as Proving a Failure*

A forensic report identifies a tile installation that does not comply with an industry standard.

The requirement is quoted. The installed condition is photographed. The deviation appears clear.

The conclusion follows:

The installation failed because it did not comply with the standard.

That conclusion may be correct.

It may also skip the most important part of the analysis.

Standards are essential to forensic work. They establish requirements, tolerances, methods, and accepted practices against which installed conditions can be evaluated.

But a standard can establish that a condition is noncompliant without establishing that the condition caused the reported failure.

Those are different questions.

And in construction defect litigation, confusing them can turn a legitimate technical observation into an unsupported causation opinion.

### The Standard Establishes a Requirement

When an applicable standard requires a particular installation method and the work does not satisfy that requirement, the expert may have a strong basis for identifying a deviation.

That matters.

An expert should not minimize a documented failure to comply merely because its significance has not yet been determined.

But the analysis cannot automatically end there.

The next question is:

What does this particular deviation establish in this particular case?

Sometimes the answer is causation.

Sometimes it is contribution.

Sometimes it may identify an increased risk.

And sometimes the evidence establishes a departure from the standard but does not establish a relationship between that departure and the failure being investigated.

The standard tells us what was required.

The investigation must determine what the deviation means.

Compliance and Causation Are Different Questions

Consider an installation containing several departures from industry requirements.

The mortar coverage is below the applicable requirement.

Movement accommodation is questionable.

The substrate contains cracks.

The installation pattern does not follow the manufacturer's recommendations.

Then tiles begin to debond.

It can be tempting to list every deviation and treat the list itself as an explanation for the failure.

But which condition actually caused the debonding?

Did inadequate mortar coverage produce insufficient bond?

Did substrate movement transfer stress into the tile assembly?

Did an incompatible material contribute?

Was there contamination at a bonding interface?

Did several conditions interact?

Or is one of the listed deficiencies unrelated to the observed failure?

A collection of deficiencies is not, by itself, a causation analysis.

Each condition must be evaluated against the actual failure mechanism.

## **The Seduction of the Citation**

Standards carry authority.

That authority can make a citation feel like proof.

A report states:

"The installation does not comply with Section X.X of Standard Y."

The statement sounds definitive because the requirement itself may be clear.

But the citation establishes only what the cited provision actually addresses.

If the provision establishes a required mortar coverage, it can support an opinion regarding mortar coverage.

It does not automatically establish why a particular tile cracked.

If a provision requires movement accommodation, the absence of that accommodation may establish noncompliance.

It does not automatically establish that the absence caused every distress condition found in the installation.

The expert still has work to do.

A standard should support the reasoning.

It should not replace it.

## **Standards Must Be Read in Context**

There is another danger.

A technically accurate quotation can still create a misleading opinion when separated from its context.

Standards may contain definitions, exceptions, limitations, referenced documents, environmental conditions, material classifications, or installation assumptions that affect how a provision applies.

The edition matters.

The product matters.

The location matters.

The intended use matters.

The surrounding provisions may matter.

An expert who searches a document for a phrase that supports an existing theory can find technically accurate language and still misunderstand the requirement.

That is not standards analysis.

It is citation hunting.

The proper question is not:

“Can I find a standard that supports my opinion?”

It is:

“What standards actually govern this condition, and what do they establish?”

The difference is fundamental.

### **A Standard Is Not a Failure Mechanism**

Suppose an expert identifies insufficient mortar coverage beneath a tile.

That is an observable condition.

Testing or destructive examination may establish the approximate extent of the coverage.

An applicable standard may establish the required coverage.

Comparison may therefore establish noncompliance.

But causation requires another step.

The expert must determine whether the observed coverage condition is consistent with the location, pattern, and mechanism of the reported failure.

If the failure occurred where coverage was adequate, the deficiency elsewhere may have little relevance to that particular failure.

If debonding corresponds directly with poorly bonded areas, the relationship may be considerably stronger.

The standard establishes the benchmark.

The physical evidence establishes whether the benchmark matters to the failure being investigated.

## **What Happens When Multiple Standards Apply?**

Construction assemblies are rarely governed by a single document.

A tile or stone installation may involve industry standards, manufacturer instructions, project specifications, architectural details, building codes, material data sheets, and accepted installation practices.

Those documents do not always address the same question.

They may also use different terminology or impose different requirements.

An expert should resist the temptation to select whichever requirement produces the most favorable conclusion.

The task is to determine which requirements actually apply, how they interact, and what significance each has to the condition being investigated.

Sometimes that analysis reveals a clear hierarchy.

Sometimes it reveals an ambiguity.

An ambiguity should not be converted into certainty simply because certainty makes the opinion easier to state.

## **Noncompliance Still Matters**

None of this means standards violations are unimportant.

Quite the opposite.

A documented departure from an applicable standard can be significant even when direct causation cannot be established.

It may demonstrate defective workmanship.

It may identify an installation that does not satisfy the specified or accepted requirements.

It may identify a condition that could make the installation more vulnerable to future distress.

It may become important when considered together with other conditions.

But the expert should say precisely what the evidence supports.

Noncompliant does not automatically mean causal.

Causal does not necessarily mean sole cause.

And the inability to prove causation does not transform a documented noncompliance into acceptable work.

Those distinctions matter.

### **The Question Opposing Counsel Will Ask**

Eventually, a simple question may be asked in deposition:

*“Where does that standard say this condition caused the failure?”*

Often, it does not.

Nor should it.

Most standards establish requirements. They are not forensic opinions about a particular project.

The expert must supply the analytical bridge between the requirement, the observed deviation, the physical evidence, and the resulting opinion.

If that bridge exists, the expert should be able to explain it without hiding behind the citation.

If it does not exist, quoting the standard again will not create it.

### **Final Thoughts**

Standards are among the most important tools available to a forensic expert.

They provide benchmarks against which workmanship, materials, and installation practices can be evaluated.

But their authority creates a corresponding responsibility.

The expert must distinguish what the standard actually establishes from what the investigation establishes.

A citation may prove that a requirement existed.

An inspection may prove that the requirement was not met.

Neither, standing alone, necessarily proves why a failure occurred.

That conclusion must come from the evidence.

The strongest expert opinion does not merely cite the standard. It explains why the standard matters to the failure in front of us.

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