

**Petition for Declaratory Statement
Before the Florida Building Commission**

PETITIONER:

Windstrips, LLC
4630 Greylock St.
Boulder, CO 80301

QUALIFIED REPRESENTATIVE:

Contact: Steven P. Clisset - President
Phone Number - 720-280-9826
Facsimile Number – 303-828-5380

DBA09-DEC-263

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.

Paula P. Ford 7/14/09
Paula P. Ford Date
Commission Clerk

AGENCY RULE:

Product Approval Rule 9B-72

This petition is filed pursuant to Section 120.565, Florida Statutes and the requirements of Rule 28-105.002 and pertains to the following sections of the Florida Building Code and Product Approval Rule.

Rule 9B-72:

9B-72.005 Scope.

- (1) Products in the following categories as defined by subcategories of subsection 9B-72.010(31), F.A.C., shall be available for approval by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state:

(C) Roofing Products

9B-72.010 Definitions.

The following terms have the meanings indicated.

(30) Structural component means any part or assembly of buildings that comprises the main wind force resisting system and components or cladding.

- (31) Sub-category of product or construction system means a specific functionality:

(d) For roofing products: built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, metal roofing, roofing tiles, waterproofing, roofing accessories that are an integral part of the roofing system and products introduced as a result of new technology.

1507.2.8 Underlayment application. For roof slopes from two units vertical in 12 units horizontal (17-percent slope) and up to four units vertical in 12 units horizontal (33-percent slope), underlayment shall be two layers applied in the following manner. Apply a minimum 19-inch-wide (483 mm) strip of underlayment felt parallel with and starting at the eaves, **fastened sufficiently to hold in place**. Starting at the eave, apply 36-inch-wide (914 mm) sheets of underlayment overlapping successive sheets 19 inches (483 mm), by fastened sufficiently to hold in place. Distortions in the underlayment shall not interfere with the ability of the shingles to seal. For roof slopes of four units vertical in 12 units horizontal (33-percent slope) or greater, underlayment shall be one layer applied in the following manner. Underlayment shall be applied shingle fashion, parallel to and starting from the eave and lapped 2 inches (51 mm), **fastened sufficiently to hold in place**. Distortions in the underlayment shall not interfere with the ability of the shingles to seal.

1507.2.8.1 High wind attachment. Underlayment applied in areas subject to high winds (greater than 110 mph in accordance with Figure 1609) shall be applied with corrosion-resistant fasteners in accordance with the manufacturer's instructions. Fasteners are to be applied along the overlap at a maximum spacing of 36 inches (914 mm) on center.

1517.5 Fasteners.

1517.5.1 Nails shall be minimum 12 gage, annular ring shank nails having not less than 20 rings per inch, heads not less than 3/8 inch (9.5 mm) in diameter; and lengths sufficient to penetrate through the thickness of plywood panel or wood plank decking not less than 3/16 inch (4.8 mm), or to penetrate into a 1 inch (25 mm) or greater thickness of lumber not less than 1 inch. Nails or wood screws shall be hot dipped electro or mechanically galvanized to a thickness sufficient to resist corrosion in compliance with TAS 114, Appendix E, Section 2 (ASTM G 85). All nails shall be listed by a certification agency. All nail cartons or carton labels shall be labeled to note compliance with the corrosion resistance requirements. No roofing material shall be fully or partially adhered directly to a nailable deck, unless otherwise noted in the roof assembly Product Approval.

1517.5.2 "Tin caps" shall be not less than 15/8 inches (41 mm) and not more than 2 inches (51 mm) in diameter and of not less than 32 gage (0.010 inch) sheet metal. "Cap nails" or prefabricated fasteners with integral heads complying with this section shall be an acceptable substitute. All "tin caps," "cap nails" or prefabricated fasteners with integral

heads shall be tested for corrosion resistance in compliance with TAS 114 Appendix E, Section 2 (ASTM G 85), and shall be product control listed. All of cartons or carton labels "tin caps," "cap nails" or prefabricated fasteners with integral heads shall be labeled to note compliance with the corrosion resistance requirements.

1518.2 Underlayments. Underlayment shall be as defined in Section 1513. Underlayment shall be installed in compliance with the roofing component Product Approval and shall be in compliance with the following minimum requirements:

1518.2.1 Underlayment shall be attached to a nailable deck in a grid pattern of 12 inches (305 mm) between the overlaps, with 6-inch (152 mm) spacing at the overlaps.

1518.2.2 Where the architectural appearance of the underside is to be preserved, the underlayment shall be secured in accordance with Section 1519.5.2.

1518.2.3 Tin caps and nails or cap nails shall be applied as defined in Section 1517.5.2.

1518.2.4 Underlayment nails shall be as defined in Section 1517.5.1.

DESCRIPTION ON HOW RULE AFFECTS PETITIONER:

Currently the definition of allowable fastening for underlayment, as defined in the Florida Building Code 2007, sections 1507.2.8, 1517.5 and 1518.2.1, to be "tin-caps applied with nails or plastic capped nails... applied in a grid pattern of 12 inches (305 mm), between the overlaps, with 6-inch (152 mm) spacing at the overlaps". This definition is interpreted within the code so that staples may not be used to secure underlayments.

However, when used in conjunction with Windstrips® as an accessory for reinforcement, staples have proven to be not only equivalent to nailed systems as defined within the State of Florida Building Code but are actually superior in their effectiveness in side by side field applications.

Included with this request is the following supporting documentation:

1. Independent test report by Architectural Testing of York ,PA - a State of Florida approved test engineering firm showing Windstrips installed with staples effective to 3 second gusts of 130mph;
2. Installation instructions with our exclusive warranty to pay for lost underlayment if they fail, which has been offered since 1995 without a single claim having been made;
3. Pictures showing side by side field comparisons of Windstrips and cap nailed installations in which Windstrips outperform the current standard;
4. Pictures from the F3 tornado (158-206mph) that touched down in Windsor, CO on 5-22-08 showing shingles all blown off but the tarpaper installed with Windstrips® still intact;
5. Section from the City of Fort Collins Building Code allowing Windstrips for use within their jurisdiction; and

It is our feeling the Windstrips product meets the intent of 2007 Florida Building Code, Section 1507.2.8 requirement to secure the underlayment in a manner that causes it to be “ **fastened sufficiently to hold in place**” thereby classifying it as a “product introduced as a result of new technology” as defined in the Product Approval Rule 9B-72.

It would be our interpretation that our product Windstrips® falls within the scope and definitions as set forth in Rule 9B-72 of the State of Florida Product Approval Guidelines as an approvable Roofing Product per Section 9B-72.005(1)(c) and as defined in sections 9B-72.010(30), “Structural component ... comprising of a main wind force resisting system” and a sub category of specific functionality as in Section 9B-72.010(31)(d); specific to roofing fasteners and underlayments where our product as an accessory integral to the roofing system and a result of new technology is used to structurally reinforce the fasteners (specifically staples) to prevent them pulling through the underlayment and then structurally improving the underlayment (tarpaper) by shading it continuously where it is stapled, protecting it from degradation by sunlight and

thereby meets the criteria under which The Florida Building Commission is mandated to consider specific products for approval.

Therefore, we request a declaratory statement that Windstrips meets the definitions and fits within the guidelines of The State of Florida Product Approval System so that we may apply for approval according to rule 9B-72.090 as a unique and innovative form of new technology, that is part of the roof system, providing structural reinforcement as a main wind force resisting accessory. Application would be made under the Category of "Roofing" and Subcategory of "Products introduced as a result of new technology" unless directed otherwise. Thank you.

Respectfully submitted,

Steven P. Clisset
Windstrips LLC