



June 1, 2017

Mo Madani, Program Manager
Building Codes and Standards
Florida Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

Richard S. Browdy
Chairman, Florida Building Commission
President, Browdy & Browdy, Inc.
6944 St. Augustine Road , Suite D
Jacksonville , Florida 32217

Re: Florida Building Code, Modification 6460, Section 2703

My firm manufactures lightning protection system components. We sell materials to lightning protection installation specialists throughout the United States and Canada. Our principals are actively involved in national and international lightning protection industry groups as well as the technical committees for lightning protection maintained by the NFPA, UL, the LPI and the IEC.

We are very familiar with the frantic last-minute arguments that two industry members -- Heary Bros. and National Lightning Protection -- have recently flooded you with. We are writing to provide you with additional facts and background to help you evaluate their arguments in full sunlight. Provided with a more complete story we are confident that you will accept the proposed language in its approved state.

1. Heary Bros. and National Lightning protection both primarily sell lightning protection systems that employ a single device on a pole, which they claim can protect literally acres of area from lightning. These systems were extensively reviewed and rejected by the NFPA because they lacked a sound technical basis. (Exhibit A – NFPA Rejection of ESE Standard)
2. Heary Bros. and National Lightning Protection were both found in violation of Federal truth in advertising laws in 2005. Both firms are permanently enjoined from claiming that their non-standard products have been proven to significantly extend the maximum range of protection

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against lightning damage beyond that afforded by NFPA 780 requirements. (Exhibit B – Injunction against Heary Bros/National Lightning and Exhibit C – US District Court Ruling)

3. Heary Bros. and National Lightning Protection used legal maneuvers to bully the NFPA for nearly ten years in hopes of either forcing the NFPA to accept a standard for their products, or forcing the withdrawal of NFPA 780 – the nationally-recognized standard for lightning protection systems. They ultimately failed on both efforts. (Exhibit D – NFPA Support of Standard 780 and Exhibit E – Court Dismissal of Anti-trust and other claims)

4. Heary Bros. and National Lightning Protection are now seeking to circumvent the NFPA rejection by appealing to this Commission. The Florida Building Code should not be manipulated so as to bless a product that is without technical merit.

We look forward to the opportunity to further present this issue and to answer any questions you have.

Sincerely,

Mark P Morgan
President

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