



Dawn Michele Bellis  
Secretary, Standards Council

15 April 2016

To: Interested Parties

Subject:

Standards Council Decision (Short):	<b>D#16-1</b>
Standards Council Agenda Item:	<b>SC#16-4-14-d</b>
Date of Decision:	6 April 2016
TIA Log No. 1209 on NFPA 780, <i>Standard for the Installation of Lightning Protection Systems, proposed 2017 Edition</i>	

Dear Interested Parties:

At its meeting of April 5-6, 2016, the Standards Council considered an appeal from Bart Fisher on behalf of OMNI LPS, Heary Brothers Lightning Protection, and Lightning Master Corp regarding issuance of proposed Tentative Interim Amendment (TIA) No. 1209 on the proposed 2017 edition of NFPA 780, *Standard for the Installation of Lightning Protection Systems*. Specifically, the appeal seeks to add new Section 1.8 and associated Annex to read as follows:

**1.8 Equivalence.** Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this standard.

**1.8.1 Technical Documentation.** Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency, including without limitation equivalency based on the history of performance in the field.

**1.8.2 Approval.** The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction, including without limitation the NFPA, Underwriters Laboratories, Inc. and/or ANSI.

**1.8.3\* Equivalent Compliance.** The alternative system, method, or device approved as equivalent by the authority having jurisdiction shall be recognized as being in compliance with this standard.

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\*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.

**A.1.8.3 Equivalent Compliance Not a Waiver of Standard Requirement.** An equivalent method of protection provides an equal or greater level of safety to the satisfaction of the authority having jurisdiction with the understanding that equivalency includes, without limitation, equivalency based on the history of performance in the field. An approved equivalent method of protection by the authority having jurisdiction is not a waiver or deletion of a standard requirement but instead provides an alternative while the original standard may still be used as an available option. Other standards-making organizations and/or authorities having jurisdiction shall not withhold approval as equivalent when the system, method, or device is supported by a manufacturer's track record as to performance in the field.

As background, TIA No. 1209 was balloted through the Technical Committee on Lightning Protection (TC) in accordance with the *Regulations Governing the Development of NFPA Standards (Regs)*, to determine whether the necessary three-fourths majority support was achieved on technical merit and emergency nature required to establish recommendation for issuance. The ballot overwhelming failed the TC on both technical merit and on emergency nature.

The Council has voted to deny the appeal and to not issue TIA No. 1209 which proposes to add a new Section 1.8 and associated Annex of the proposed 2017 edition of NFPA 780.

Council Chair, Kerry Bell and Member, Richard Owen recused themselves during the deliberation and vote on this issue.

**Notice on Short Decisions:** This is a "Short" decision, briefly stating the action on the appeal. A full Final Decision, containing further detail, will be issued in due course, and will automatically be sent to all interested parties as soon as it becomes available. Note that any Petition to the NFPA Board of Directors (see \*NOTE, in the footer on the first page of this letter) must be filed within 15 days of the date of this Short Decision (see Date of Decision, in the subject line on the first page). Once the Notice has been filed, however, the Petition itself, should it be pursued, will not be due until 15 days following issuance of the Final Decision.

Sincerely,



Dawn Michele Bellis  
Secretary, NFPA Standards Council

c: D. Berry, S. Everett, L. Fuller, R. Roux  
Members, TC on Lightning Protection (LIG-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary