

Rule Summary and Fiscal Analysis (Part A)**Department of Commerce**

Agency Name

Division of State Fire Marshal

Division

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1301:7-7-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Building services and systems.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3701.82, 3737.22, 3737.82**

5. Statute(s) the rule, as filed, amplifies or implements: **3701.82, 3737.22, 3737.82**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The State Fire Marshal proposes to adopt Chapter 6 of the 2009 International Fire Code as amended, to revise and update the administrative rules comprising the Ohio Fire Code and to implement provisions in accordance with Section 3701.82. Also, this rule is being proposed to comply with five year rule review requirements.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This section of the Ohio Fire Code prescribes requirements for the installation, operation, and maintenance of fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevator recall, stationary lead-acid battery systems and commercial kitchen hoods. It also sets forth rules for the safe use of unvented heaters. For further details on the changes to this rule, please see the attached exhibit "A".

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Materials incorporated by reference in this rule are listed in O.A.C. 1301:7-7-47 and are generally available to affected persons (including members of the fire service, persons responsible for life safety in public occupancies, and design professionals) in the following manner:

1. All text or materials are published by either other governmental agencies, private organizations or industry associations. All of these publications may be obtained by the publishing companies that distribute this material nationally or by any person, without any restriction, from the organization that promulgated the material or text. Some of these reference materials are free and some may be purchased for a reasonable fee. O.A.C. 1301:7-7-47 lists the incorporated material and contact information for each of the organizations that publish the listed incorporated material.

2. Most of the incorporated material is also available at Ohio public libraries, the Division of State Fire Marshal, the Board of Building Standards, or at local government offices, including fire departments.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule will have no fiscal impact.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The 2011 Ohio Fire Code will be available on the State Fire Marshal website with free access. Thus, purchase of a hard copy of the new code is optional and not required.

Some amended sections of this rule are based on the construction requirements already contained in the Ohio Building Code (OBC). Thus, if a person is complying with the OBC, there is no increased cost of compliance. Per the OBC RSFAs relevant to the amended sections, there is no or minimal cost associated with such amendments. Please see the attached exhibit "B" for more information regarding the OBC RSFA.

OFC 608.6.3 establishes a new requirement. Certain mechanical ventilation systems located in battery rooms need to be supervised by an approved central, proprietary or remote station or the system needs initiate an audible and visual signal which will be sent to a constantly attended location.

Due to the variations in building size and height, actual location of the ventilation system, the location of the fire alarm panel, and specific needs of the facility, the cost of compliance is difficult to estimate without on-site inspections. This requirement would only apply to new construction.

OFC 609.3.3.1 requires the inspection of commercial kitchen hoods, grease-removal devices, fans, ducts, and other appurtenances by a qualified individual. The total inspection fees vary widely depending on hood size, types of commercial applications, and features of the hood system. However, an inspection of a typical fast food restaurant, for example, may cost \$0.00 to \$125.00. In some instances, the inspection fee may ultimately be part of a cleaning cost estimate (which is already required) in other cases, it may be a separate fee.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**Department of Commerce,
Division of State Fire Marshal**

**Ohio Fire Code
RSFA Supplement
Rule 1301:7-7-06**

EXHIBIT A

- Rule 6 This rule contains new sections which have been moved or restructured. Other new language was added to clarify existing requirements and/or to be consistent with the 2009 International Fire Code (IFC). In addition, some language from rule 34 was incorporated in rule 6 for user convenience but does not establish new requirements. Finally, the following amended sections are noteworthy or contain a new requirement but have no or de minimis fiscal impact/cost of compliance:
- 603.3.3-3.3.1 These sections are a restructuring of 603.3.2. and contain requirements already set forth in O.A.C. 1301:7-7-34.
 - 603.3.3.2 This new language, added to be consistent with the IFC, clarifies the restricted use of tanks and connection of pipes. Affected persons are already using close piping systems. Thus, there is no fiscal impact or cost of compliance.
 - 603.3.3.4 This new language, added to be consistent with the IFC, clarifies that installation must be in compliance with the mechanical code. There is no fiscal impact or cost of compliance if affected persons are already complying with the mechanical code.
 - 603.3.4 This requirement is already contained in O.A.C. 1301:7-7-34 and is not new.
 - 603.5.2.3 This new section requires portable outdoor gas-fired heating appliances to be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted. To be listed with Underwriter Laboratories such appliances must already have a tilt or tip-over switch. In addition, these types of appliances are a subcategory of kerosene heaters which, per the current 603.4, must have a tip-over switch. Thus this is not a new requirement and has fiscal impact or cost of compliance.
 - 603.3.3.5 New language, added to be consistent with the IFC, only applies to new tanks. This addition has no fiscal impact and no cost of compliance.

- 603.5 Language was added to be consistent with the IFC. This new language provides requirements regarding the installation, operation, and placement of portable outdoor gas-fired heating devices. This required action has no fiscal impact or cost of compliance.
- 604.6 New language was added requiring the inspection and testing of exit and emergency lighting equipment. This required action has no fiscal impact or cost of compliance.
- 606.9.1 This section includes a requirement that equipment be automatically shut off whenever the refrigerant vapor concentration in the machinery room exceeds the vapor detector's upper detection limit or 25 per cent of the LEL, whichever is lower. The requirements set forth in this new section, are already generally set forth in 606.8. This new section clarifies the requirements, adding a specific threshold which is a typical threshold for these circumstances. There is no fiscal impact or cost of compliance.
- 607.3 Language was added to be consistent with the IFC. This new language provides requirements regarding fire service access elevator lobbies and the requirement to keep such access free of storage and furniture. This required action has no fiscal impact or cost of compliance.
- 609 Language was added to be consistent with the IFC. This new language provides requirements regarding the operation, and use and inspection of commercial kitchen hoods. Except for the section listed in the RSFA, some requirements require action for which there is no cost. Other requirements are not more stringent than the Ohio Mechanical Code, to which users must already comply. Therefore, there is no fiscal impact or cost of compliance.

Exhibit B

ACTION: Refiled

DATE: 02/24/2011 3:58 PM

THIS RULE: In 2010, the Board's Code Committee and an assembled team of constituent code experts performed an evaluation of the impact of the proposed rule changes to the Ohio Building, Mechanical, and Plumbing Codes. The overall results of the code scoring efforts *for this rule* are shown below in Table 1 below. The significance of the score *for this rule* is indicated in the Score Impact Ranges table shown in Table 3 below.

TABLE 1
Rule 4101:1-6-01

Savings Score – Cost Score	4.32
Savings Score – Cost Score + Intangibles Score	6.58

ALL RULES: The overall results of the code scoring efforts were tabulated, normalized, and are summarized in Table 2 below. The code scoring methodology and the resultant score values by individual code rule are shown in a report available on the Board of Building Standards' web site. The resulting evaluation code scores for the Building Code rules and for all proposed code rules (Building, Mechanical, and Plumbing) are shown below in Table 2. The significance of these score is indicated in the Score Impact Ranges table shown in Table 3 below.

TABLE 2

	OBC Code Score	Mean OBC, OMC, OPC Total Score
Savings Score – Cost Score	0.00	0.14
Savings Score – Cost Score + Intangibles Score	2.71	2.62

TABLE 3
Score Impact Ranges

High Savings Impact	≥12 to 18
Moderate Savings Impact	≥ 5 to < 12
Neutral Impact	< -2 to < 5
Moderate Cost Impact	≥ -2 to < -7
High Cost Impact	≥ -7 to -10

SUMMARY: With mean scores of 0.14 and 2.62, the overall effect of the proposed changes to all three codes (Building, Mechanical, and Plumbing) is shown to be solidly within the neutral impact results range. These results validate that an appropriate balance between savings and cost has been maintained as well as assuring that Ohio's citizens are living in a safe and sanitary built environment ensuring their continued health, safety, and security.