

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

Agency Name

**Division of State Fire Marshal**

Division

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**1301:7-7-08**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Interior finish, decorative materials and furnishings.****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: **3737.22, 3737.82, 3737.842**

5. Statute(s) the rule, as filed, amplifies or implements: **3737.22, 3737.82, 3737.841, 3737.842**

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

The State Fire Marshal proposes to adopt Chapter 8 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 3737.842 of the Revised Code. 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 governing furniture and furnishings, interior finishes, interior trim, decorative materials and decorative vegetation in new and existing buildings. This rule also establishes standards for flammability of seating furniture used in public occupancies. 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.

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 1301:7-7-08**

**EXHIBIT A**

**Rule 8** New language was added to clarify existing requirements and/or to be consistent with the 2009 International Fire Code. In addition, some sections were added to be consistent with the Ohio Building Code. Finally, the following amended sections contain a new requirement but have no or de minimis fiscal impact/cost of compliance:

Various/805.4 The SFM proposes to eliminate the exemption that rooms with an approved automatic sprinkler system do not need to contain upholstered furniture or mattresses that have been shown to resist ignition by cigarettes. Rather, this code requires all rooms with an approved automatic sprinkler system to contain upholstered furniture or mattresses that have been shown to resist ignition by cigarettes. . In addition, OFC 805.4 contains new language that requires upholstered furniture and mattresses introduced in college and university dormitories to be resistant to cigarette ignition.

There is no fiscal impact and a de minimis cost of compliance. The requirement for the items to be cigarette ignition resistant only applies to newly introduced items. Pursuant to the International Code Council, an “overwhelming majority” of upholstered furniture in the U.S. meets the standards set forth in the code. Finally, the standards set forth for mattresses is based on a federal law, 16 CFR 1633, which has been in effect since 2007. Therefore, most, if not all of the relevant items available on the market will already be compliant with standards set forth by the new language.