

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1301:7-7-09

**Rule Type:** New

**Rule Title/Tagline:** Fire Protection Systems.

**Agency Name:** Department of Commerce

**Division:** Division of State Fire Marshal

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#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3737.22, 3737.82, 3737.83
5. What statute(s) does the rule implement or amplify? 3737.83, 3737.65, 3737.22, 3737.82
6. What are the reasons for proposing the rule?

The State Fire Marshal is filing rule errata items to correct non-substantive editorial and grammatical errors in the recently enacted 2017 Ohio Fire Code, to correct errors that occurred during the filing process of the 2017 Ohio Fire Code, and to make revisions to rules regarding portable fire extinguishers, as set forth in OFC section 906.1, in response to stakeholder and industry input and petition.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule specifies where fire protection systems are required and sets forth the design, installation, inspection, operation, testing and maintenance requirements of all fire protection systems.

Section 906.1 will be amended to reinsert language inadvertently omitted when the 2017 OFC was filed (add "R-4" and "of this rule"; these changes will also align the OFC with OBC requirements already in place); this section will also be amended to change the requirements regarding where portable fire extinguishers will be installed as follows: previously existing language at 1. will be deleted; language at 2. will be moved to 1. and new language will be added at 2. This change was proposed to the SFM and BBS by the Fire Equipment Manufacturer's Association (FEMA). It was determined that the change should first be formally proposed to BBS and then, if adopted, be considered for inclusion in the OFC. The BBS did approve the rule amendments and the OBC was recently amended to include the proposed changes. The new language will give educational occupancies more flexibility regarding extinguisher placement.

Amendments to the following sections were inadvertently omitted during the 2017 OFC filing process: 903.2.3 will be edited to include instances where automatic sprinklers are required and an exception thereto; 903.2.6 will be amended to include the 4th exception to the rule; 903.2.8 will be amended to include an exception for R-2 occupancies; Table 903.2.11.6 will be edited to include a reference to section 5306.2.3 "Medical gas storage cabinet"; 903.4, exception 1 will be amended to delete language previously submitted for deletion and to renumber the remaining language; 907.4.2.6 will be added to require that manual fire alarm boxes remain unobstructed and accessible. Some of this language was in the 2011 OFC; all of it was proposed to stakeholders during the update process.

In addition, non-substantive, grammatical and/or formatting changes are being made at sections 903.2.9.1(c) (delete "a" between "with" and "repair"); 903.2.11.1 (correct citations (2)); Table 903.2.11.6 (correct citation and move to correct numerical location); 903.3.8.1 (change "six" to "nineteen"); 904.3.2 (correct citation); 904.12.1 (delete "of" between "than" and "20"); 905.1 (delete "this"); 907.2.1 (change "apply" to "applying"); 907.2.6 (insert comma between citations); 907.3.3 (correct cited title); 907.5.2 (correct updated accessibility requirements reference); 907.6 (delete extra "(" in citation); 908.6 (correct citation); 909.5 (delete duplicative language); 909.5.3 (change "undercutsin" to "undercuts in"); 909.6.2 (insert "â" (2)); 909.7.1 (change "thecalculated" to "the calculated"); 909.10.1 Exception (change "s" to subscript); 909.21 (delete extra "(" in citation); 909.21.1 Exception 3.2 (change "floor" to "floors"); 910.1 (insert comma between "code" and "smoke"); 910.6.4 (correct cite); 913.5.2 (correct citation); 913.5.3 (correct citation); 914.3.1.1.1 (correct citation); 914.5.4 (add ")") to citation); Table 914.8.3 (change "Tyle" to "Type"); 915.1.4 (change "appliance" to "appliances"); 916.6 (insert "the" between "of" and "individual"); 916.17 (insert comma between "certification" and "all"); 916.18 (insert comma

between "application" and "the"); 916.20 (change "sand" to "and"); 916.22 (change "it's" to "its"); and 916.23(f) (insert "a" between "of" and "change").

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

It is infeasible for the SFM to file referenced material electronically due to copyright laws held by the relevant standards making associations.

Materials incorporated by reference in OFC are listed in Ohio Administrative Code (OAC) section 1301:7-7-80 and are generally available to affected persons (including members of the fire service, persons responsible for life safety in public occupancies, and design professionals) via the following:

i) All referenced text and 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 the referenced materials are free and some may be purchased for a reasonable fee. O.A.C. 1301:7-7-80 lists the incorporated material and contact information for each of the organizations that publish the listed incorporated material.

ii) 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.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable.

**12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Proposed changes in this rule at sections 903.2.3, 903.2.6, and 903.2.8 were proposed in but inadvertently omitted during the filing of the 2017 OFC. The changes coordinate language and equipment requirements consistent with recent changes to the OBC. Because the requirements (or in some cases the exceptions to equipment requirements) are already in place in the OBC, no cost impact is anticipated.

As discussed above, the substantive changes in section 906.1 are being added as a direct result of petition from a SFM stakeholder, the Fire Equipment Manufacturer's Association (FEMA), and to coordinate with like provisions of the OBC. The change in language will allow more flexibility regarding extinguisher placement in Group E occupancies and will allow them to configure portable fire extinguisher placement in the most cost effective manner meeting their needs. Other changes to this section are non-substantive and/or reflect national code language and OBC requirements and, therefore, no cost impact is anticipated.

Other proposed changes to this rule are non-substantive in nature and correct grammatical, formatting or citation errors or are being made to clarify already existing requirements or procedures. Requirements for fire protection installer certification (see generally section 916) are not new and are not being substantively amended herein. There is no anticipated cost impact.

**13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**

**14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**III. Common Sense Initiative (CSI) Questions**

**15. Was this rule filed with the Common Sense Initiative Office? Yes**

**16. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Pursuant to Ohio Revised Code requirements, some OFC provisions address licensure or certification requirements for specified groups, including fire protection equipment installers (R.C. 3737.65(A)-(B); OFC 916.1, 916.2).

However, the provisions in the OFC that affect this certification have been in place for many years and are not being substantively changed herein.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

The rules contain general civil penalties for violations of the Ohio Fire Code as specified in R.C. 3737.51(B)-(F); additionally, pursuant to the Ohio Revised Code sec. 3737.51(A) there is a criminal penalty for knowingly violating any provision of the Ohio Fire Code.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

## Rule Summary and Fiscal Analysis

### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	Yes
<b>B. County Government</b>	Yes
<b>C. Township Government</b>	Yes
<b>D. City and Village Governments</b>	Yes

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

The only provisions being amended in this rule that affect schools is the portable fire extinguisher requirements (section 906.1) that will provide school districts with more flexibility in complying with extinguisher requirements. Extinguishers range in price from \$25 to \$40, each. Any savings for an individual school will be determined by how the school opts to configure extinguishers placement. The changes being made will allow schools to configure placement in the most cost effective manner meeting their needs.

Counties, townships and municipal corporations will be affected to the extent that fire service members will need to be educated regarding the new rules and will generally have to determine whether to obtain new code book errata packages for their staff. The code changes will also be available on-line, at no cost, through Lawriter and the SFM website. However, if jurisdictions opt to purchase hard copy errata publications, the cost will be established by the publishing company. It is not known how much the publisher may charge for this service, but purchase of a hard-copy publication of the entire printed Ohio Fire Code ranges from \$75 to \$125 depending on membership status. Of course, each jurisdiction will have to determine the quantity that will be purchased.

**3. Is this rule the result of a federal government requirement? No**

- A. If yes, does this rule do more than the federal government requires? *Not Applicable***
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

*Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

**A. Personnel Costs**

Not applicable.

**B. New Equipment or Other Capital Costs**

Not applicable.

**C. Operating Costs**

Not applicable.

**D. Any Indirect Central Service Costs**

Not applicable.

**E. Other Costs**

Please see above.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

Please see above. There are no mandated costs associated with this rule. Fire extinguisher requirements will provide more flexibility for affected schools and should therefore result in a cost savings. Any textbooks or training that an entity engages in regarding new requirements would be elective. Free on-line texts are available and free on-line training is available.

**6. What will be the impact on economic development, if any, as the result of this rule?**

This rule does not impact economic development.