

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1301:7-7-10

**Rule Type:** New

**Rule Title/Tagline:** Means of egress.

**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? 3737.22, 3737.82, 3737.83
6. What are the reasons for proposing the rule?

The State Fire Marshal (SFM) proposes to rescind the currently existing 2011 Ohio Fire Code (OFC) and adopt the proposed rules, to be known as the 2017 OFC, for the purpose of five year rule review and to update the rule provisions to conform to national standards, to coordinate with updates to the Ohio Building Code (OBC), and to clarify and restructure previously existing rules to better set forth RC requirements, enforcement procedures, and to align the provisions with current practice. The rules will concern all matters of fire safety and will set the minimum standards in this state for safeguarding life and property from fire and explosion.

Notwithstanding Ohioizations that have been made, the rules are (as in the past) primarily based on the incorporation of the International Fire Code (IFC), here the

2015 version. With the incorporation of the 2015 IFC, the vast majority of the OFC was reorganized. The first ten rules address the same topics. However, all other rules have been moved to new locations; in general, the rule content will not change. Non-substantive editorial changes have been made throughout the OFC to reflect the new references. Previously, the OFC contained 47 rules, with rule 47 being 'referenced standards.' The new format contains 80 rules, with Rule 80 being 'referenced standards.' The overall / total number of substantive rules, however, has not changed (with the exception of Rule 39); there are large blocks of rule numbers that have been reserved for future use.

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

This proposed rule controls the design, construction and arrangement of means of egress components required to provide safe and appropriate means of egress for building occupants from all portions of buildings. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Horizontal projection provisions were amended. (1003.3.3) Occupant load provisions were extensively amended (1004, generally). Means of egress sizing provisions were extensively amended (1005, generally). Number of exits and exit access doorway provisions were extensively amended (1006, generally). Exit and exit access doorway configuration provisions were extensively amended (1007, generally). Means of egress illumination provisions were amended (1008, generally). Accessible means of egress continuity provisions were amended (1009.2). Egress stairway provisions were amended (1009.3). Egress elevator provisions were amended (1009.4). Provisions regarding exterior areas for assisted rescue were amended (1009.7). Two-way communication provisions were amended (1009.8). Door, gate and turnstile provisions were extensively amended (1010, generally; including the amendment of door operation provisions to allow temporary door locking devices when used in accordance with law (1010.1.9; 1010.1.9.1; 1010.1.9.3; 1010.1.9.5)). Stairway provisions were amended (1011, generally). Group R-1 floor-level exit sign requirements were added (1013.2). Exit sign requirements were amended (1013.4). Language was added regarding power sources for exit sign illumination (1013.6.3). Handrail language was modified (1014, generally). Guard language was modified (1015, generally). Provisions regarding egress through intervening spaces was modified (1016.2). Exit access travel distance provisions were amended (1017, generally). Aisle provisions were modified (1018, generally). Exit access stairway and ramp language was amended (1019, generally). Corridor requirements were amended (1020, generally). Egress balcony location requirements were amended (1021.4). Interior exit stairway and ramp provisions were amended (1023, generally). Exit passageway provisions were amended (1024, generally). Exterior exit stairway and ramp provisions were amended (1027, generally). Exterior discharge provisions were

amended (1028, generally). Assembly provisions were amended (1029, generally). Egress maintenance provisions were amended (1031, generally). Language regarding elevators, escalators, moving walkways, and elevator emergency operations was amended (1103.3-1103.3.2).

- 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 this rule are listed in O.A.C. 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) in the following manner:

i) 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. 1301:7-7-80 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.**

The SFM is revising the instant rule to upload a correct rule draft. The previously submitted draft was not properly formatted and contained an improper format/time-stamp designation. This has been corrected in the revised version.

## **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.

Not applicable.

Not applicable.

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

Although changes were made throughout the rules contained in the OFC, the vast majority are not anticipated to have a cost impact. Many of the proposed rule modifications merely restructure prior rules or clarify prior OFC or R.C. requirements. The basic provisions of the OFC account for industry wide standards that have been in place for many years; the bulk of the provisions are not changing. However, there have, of course, been some amendments that are anticipated to have a cost impact. A breakdown of substantive changes in this rule that have been identified as having a cost impact are as follows:

Provisions in this rule address the overall design and construction of buildings and set forth required means of egress systems. The revisions herein generally do not impose new or different requirements, but rather amend previously existing requirements consistent with changes on the national level to the model codes and to the OBC. Little overall cost impact is anticipated due to the varied installations that can be utilized in structures. However, regarding significant changes, the Board of Building Standards identified the following change as one that may increase the cost of construction:

\* Separation of spaces under grandstands and bleachers (see section 1029.1.1.1) will be required, but quantifying a cost impact would depend on the size of the area and the amount of fire barrier materials needed. This number can vary greatly depending on configurations and materials used, which would be subjectively determined by the architect, engineer, and owner.

**13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**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? No**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- 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? No**

This rule does not create a penalty scheme. However, violations of any provision of the Ohio Fire Code are subject to citation and civil penalty as set forth in R.C. 3737.51(B)-(F) and 1301:7-7-01(I). Additionally, pursuant to R.C. 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**