

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

Agency Name

Division of State Fire Marshal

Division

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1301:7-7-10

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Means of egress.**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**

5. Statute(s) the rule, as filed, amplifies or implements: **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 10 of the 2009 International Fire Code as amended, to revise and update the administrative rules comprising the Ohio Fire 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 for the design, construction, arrangement and maintenance of means of egress components required to provide an approved means of egress from structures and portions thereof. 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.

1009.14 This new section requires that roofs and penthouses containing elevator equipment that must be accessed for maintenance be accessed by a stairway. This

requirement only applies to new construction. Due to the variation among building design and construction, a cost of compliance cannot be estimated.

1024 This new section, applicable for new construction, requires high-rise buildings to have luminous markings along the egress paths. Due to numerous variables such as the design of the high-rise, number of egress paths, and types of material used, a cost of compliance cannot be estimated.

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. For further detail regarding the OBC RSFA, please see the attached exhibit "B".

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**

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.

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

**Ohio Fire Code
RSFA Supplement
Rule 1301:7-7-10**

EXHIBIT A

Rule 10

The majority of the new language and rescissions in this rule was made to ensure consistency with the Ohio Building Code and International Fire Code. Other changes were made to clarify the existing rule. Finally, the following amended sections are noteworthy or contain a new requirement but have no or de minimis fiscal impact/cost of compliance:

- 1027 This section was moved to O.A.C. 1301:7-7-46.
- 1030.5 This section requires that where a door is adjacent to, constructed similar to and can be confused with a means of egress door, that door shall be identified with an approved sign that identifies the room name or use of the room . Such requirement has no fiscal impact and a de minimis cost of compliance.