

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1301:7-7-11

**Rule Type:** New

**Rule Title/Tagline:** Construction requirements for existing buildings.

**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? 3737.82, 3737.83, 3737.22
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, 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.**

The provisions of this rule (previously located at Rule 46) govern construction requirements for buildings constructed prior to the adoption of the rule where existing conditions constitute a distinct hazard to the life of building occupants or to property. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Scoping and intent provisions were clarified (1101.1; 1101.2). Occupancy and use provisions were modified. (Table 1103.1). Historic building language was added (1103.1.1). Emergency responder radio coverage in existing buildings was added (1103.2). Vertical opening requirements were amended (1103.4, generally). Sprinkler system requirements in specified occupancies were amended (1103.5.1-1103.5.3). Standpipe requirements in existing multiple-story buildings and helistops and heliports were added (1103.6.1; 1103.6.2). Fire alarm system requirements for Group R-2 occupancies were amended (1103.7.6). Single- and multiple-station smoke alarm requirements were amended (1103.8). Language was added to require carbon monoxide alarms in specified locations of certain existing occupancies (I-1, I-2, I-4, R and E) (1103.9). Provisions were added regarding medical gases (1103.10). Emergency power duration and installation for egress illumination was amended (1104.5.1). Door size language was amended (1104.7). Door opening force language was amended (1104.8). Ramp width language was modified (1104.15). Fire escape stairway examination language was added (1104.16.5.1). Corridor construction language was amended (1104.17). Dead end corridor language was amended (1104.18). Minimum aisle width language was amended (1104.23). Construction requirements for existing Group I-2 occupancies was amended (1105, generally).

**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 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

Generally, the provisions in the proposed OFC will not significantly increase or decrease either the revenues or the expenditures for the SFM because the OFC creates a regulatory scheme that applies to entities throughout the state.

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

Construction and design provisions in Rule 11 that can be applied to already existing buildings have been amended, but no new substantive requirements have

been added except with respect to carbon monoxide detectors. In general, the retroactive application of the provisions in Rule 11 is limited to only those instances where a distinct hazard is shown to exist. That has not changed. Regarding carbon monoxide detection, however, new requirements (1101.1 and 1103.9) do require their retroactive installation in affected buildings (I-1, I-2, I-4, R and E occupancies). However, the detection can be a single station detector (rather than a tied in detection system that would be a costly expenditure) and is only required in specific locations in the specified occupancies, not every room of the facility (i.e., locations where fuel fired appliances are located and in the first location beyond that where there are communicating spaces. The detectors should cost between \$30 and \$40 per device. Those affected will have until January 1, 2019 to comply with the installation requirements.

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? 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**

## 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>	No
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**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.**

New provisions require the installation of carbon monoxide detectors in existing educational occupancies that have fuel fired appliances (1103.9; 915.1.1-915.1.4). However, devices will not have to be interconnected and will, therefore, be lower in cost (1103.9). An average cost per device is estimated to be around \$30.00. However, the devices will not have to be placed in every school or in every room of every school. Devices will only be required in specified locations where there are communicating openings between fuel fired appliances and specific rooms that will be occupied (915.1.4). The devices will only have to be placed in the rooms where the appliances are located and/or the initial rooms communicated. The expenditure for schools will depend on whether or not the school has fuel fired appliances and, if so, how many locations are affected by the limited scope of the provisions. Affected entities will have until January 1, 2019 to comply.

**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**

As stated above, new provisions require the installation of carbon monoxide detectors in existing educational occupancies that have fuel fired appliances (1103.9; 915.1.1-915.1.4). Devices will not have to be interconnected, however, and will, therefore, be lower in cost (1103.9). An average cost per device is estimated to be around \$30.00. However, the devices will not have to be placed in every school or in every room of every school. Devices will only be required in specified locations where there are communicating openings between fuel fired appliances and specific rooms that will be occupied (915.1.4). The devices will only have to be placed in the rooms where the appliances are located and/or the initial rooms communicated. The expenditure for schools will depend on whether or not the school has fuel fired appliances and, if so, how many locations are affected by the limited scope of the provisions. Affected entities will have until January 1, 2019 to comply.

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

Through budgetary appropriations.

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

None.