

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

Agency Name

Division of State Fire Marshal

Division

Jennifer Bair

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1301:7-7-13

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Combustible dust-producing operations.**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 update this rule to: 1) incorporate the recent substantive changes to the 2003 International Fire Code (now known as the 2006 International Fire Code), the model code used as the predicate document for the portions of the existing Ohio Fire Code as described in this rule; 2) ensure that the Ohio Fire Code maintains its existing compatibility and integration with the Ohio Building Code, which is also being revised; 3) amend various provisions of the Ohio Fire Code rules as required by recent legislative enactments or other provisions of the Revised Code; 4) make non substantive changes to the text of the existing rule for clarification; and 5) make editorial corrections to the existing rule.

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 rule is amended to update the reference to various NFPA standards concerning combustible metals that were combined into a single NFPA standard and other editorial changes.

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:

The documents listed in proposed rule 1301:7-7-45 of the Ohio Administrative Code that are incorporated by reference into this rule are generally available to affected persons in the following manner:

1) All such documents are published by either other governmental agencies, private organizations or industry associations. All of these publications can be obtained by any person, without any restriction from the organizations that promulgated the documents or other publishing companies that distribute these documents on a national basis. Some of the documents are free, while others can be purchased for a reasonable fee. Rule 1301:7-7-45 of the Ohio Administrative Code lists contact information for each of the organizations that publish the documents listed in rule 1301:7-7-45 of the Ohio Administrative Code that are incorporated by reference into this rule.

2) Many of these documents are also available at public libraries throughout the state. Many documents may also be accessed through the State Fire Marshal's office or the Board of Building Standards or through local government authorities (including fire departments). Some documents are also available on the world wide web for free or for a reasonable access cost.

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: **9/1/2010**

(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

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:

Undetermined, but unlikely. The regulations deal with matters involving operations and maintenance requirements.

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**