

**Hearing Summary Report****Note:** Email completed form to [jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us).**Hearing Date:** 11/3/2017**Today's Date:** 11/8/2017**Agency:** Ohio Department of Commerce, Division of State Fire Marshal (SFM)**Rule Number(s):** 1301:7-7-01 through 1301:7-7-80

---

If no comments at the hearing, please check the box. ☐

---

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Mr. Rob Neale, Government Relations Vice President - National Fire Service Activities, International Code Council (1301:7-7-09)
2. Mr. Ron Baumann, ProAlert Security Systems, LLC (1301:7-7-09; 1301:7-7-01)
3. Chief Alan Smith, SFM Code Enforcement Bureau (1301:7-7-01 – 1301:7-7-80)
4. Mr. Jeff Terrey, Fire Equipment Manufacturers' Association (1301:7-7-09)
5. Click here to enter text.
6. Click here to enter text.
7. Click here to enter text.
8. Click here to enter text.
9. Click here to enter text.
10. Click here to enter text.
11. Click here to enter text.
12. Click here to enter text.
13. Click here to enter text.
14. Click here to enter text.
15. Click here to enter text.
16. Click here to enter text.

## Hearing Summary Report

### Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

1301:7-7-09: Through written (e-mail) submission prior to the hearing Mr. Neale proposed that language be added at the end of Ohio Fire Code (OFC) section 901.4.1, to state as follows: "A fire protection system for which a design option, exception or reduction to the provisions of this code or the building code as listed in rule 1301:7-7-47 [sic] of the Administrative Code has been granted shall be considered to be a required system." The proposal was made to align OFC provisions with national language.

1301:7-7-09: Through written (e-mail) submission prior to the hearing Mr. Baumann proposed that a three year record retention requirement for testing records, previously located at OFC section 901.6.2, be maintained in the 2017 OFC.

1301:7-7-01: Through written (e-mail) submission prior to the hearing Mr. Baumann expressed concern regarding the provisions of OFC 107.3 which provide that a fire code official can prescribe the form and format for required periodic inspection, testing, servicing and maintenance records, asserting that this would give the fire code official broad, unfettered discretion. Mr. Baumann proposed to require that records be maintained in accordance with NFPA 72 and be submitted on forms provided in NFPA 72.

1301:7-7-01 – 1301:7-7-80: At the hearing Chief Smith submitted the following exhibits for the record:

1. A compact disc containing all proposed amended rules (1301:7-7-01 – 1301:7-7-80) as submitted to JCARR; the Rule Summary Fiscal Analyses for all proposed amended rules as submitted to JCARR; the Report on Petitions; and the Report on Comments.
2. Common Sense Initiative Business Impact Analysis, dated August 9, 2017.
3. Memorandum of recommendation from the Common Sense Initiative, dated September 28, 2017.
4. Memorandum of acknowledgement from Ohio Department of Commerce, Division of State Fire Marshal, dated September 28, 2017.
5. Electronic Rule Filing System confirmation of Original File of Rescinded Rules 1301:7-7-01 – 1301:7-7-47 (Package #179618), dated September 29, 2017.
6. Electronic Rule Filing System confirmation of Revised File of Rescinded Rules 1301:7-7-09, 10, 27, 33, 34 and 47 (Package #179618), dated October 26, 2017.
7. Electronic Rule Filing System confirmation of Original File of New Rules 1301:7-7-01 – 1301:7-7-39 (Package #179477), dated September 29, 2017.
8. Electronic Rule Filing System confirmation of Revised File of New Rules 1301:7-7-01, 6, 9, 10, 11, 23, 27 and 32 (Package #179477), dated October 26, 2017.
9. Electronic Rule Filing System confirmation of Original File of New Rules 1301:7-7-50 – 1301:7-7-80 (Package #179617), dated September 29, 2017.
10. Electronic Rule Filing System confirmation of Revised File of New Rules 1301:7-7-50, 56,

## Hearing Summary Report

57, 61, 62, and 80 (Package #179617), dated October 26, 2017.

11. Electronic Rule Filing System confirmation of Revise File of New Rule 1301:7-7-61 (Package #179617), dated November 2, 2017.
12. Public Notice of Proposed Changes to the Ohio Fire Code and SFM Rules, time stamped September 29, 2017.
13. Letters of Support for the proposed 2017 Ohio Fire Code submitted to the SFM from the following:
  - a. Sam Spofforth, Executive Director – Clean Fuels Ohio, dated October 10, 2017.
  - b. Gary Yeates, Managing Partner – Buckeye CNG, Ltd., dba CNG Pitstop, dated October 10, 2017.
  - c. Lt. Dave Belcher, President – Ohio Fire Officials Association, dated October 12, 2017.
  - d. Chief Bill Houk, President – Ohio Fire Chiefs’ Association, dated October 12, 2017.
  - e. William McGlinchey, President – AFV International, dated October 16, 2017.
14. (E-mail) Comment / testimony from Mr. Robert Neale, Government Relations Vice President, National Fire Service Activities – International Code Council regarding Rule 1301:7-7-09, dated October 4-5, 2017 (also contains SFM response).
15. (E-mail) Comment / testimony from Mr. Ron Baumann, ProAlert Security Systems, LLC regarding Rule 1301:7-7-01 and 1301:7-7-09, dated October 5-17, 2017 (also contains SFM response).

Chief Smith also provided testimony regarding the SFM’s rule update process and the efforts made to engage stakeholders throughout the process. The development of the 2017 Ohio Fire Code began in September 2015 with the announcement of the beginning of the process and an open meeting for all interested parties. The open meeting was held on October 6, 2015; at the meeting the the SFM explained its update process for the development of the rules and opened the formal Petition Period. During the Petition Period stakeholders and interested parties were encouraged to submit written Petitions proposing new code provisions or the amendment, revision or deletion of existing provisions. The Petition Period remained open from October 6, 2015 through December 15, 2015. The SFM received 74 external and 41 internal Petitions. On June 13, 2017 the SFM published a compendium Report on Petitions, which set forth all petitions received, the action taken regarding each and the justification threfore. The SFM also published a Draft 2017 Ohio Fire Code which was based on the 2012 and 2015 versions of the International Fire Code and which incorporated certain Ohio-izations based on the Petitions received and language previously coordinated with stakeholders and/or the Ohio Board of Building Standards. At this time, the formal Comment Period was opened and remained open from June 13, 2017 through July 21, 2017. During the Comment Period stakeholders were given the opportunity to submit Comments on any portion of the Draft 2017 Ohio Fire Code and to provide argument for or against any provision or Petition previously submitted. The SFM received 25 internal and external Comments on the proposed Draft 2017 Ohio Fire Code. During the Comment Period the SFM also held targeted stakeholder meetings with major stakeholder groups including the hotel industry, the fire protection installer industry, the fireworks industry and the petroleum industry; meetings were also held with representatives from the Ohio Board of Building Standards and with fire and building code officials. These meetings took place during the week of July 17-21, 2017 and resulted in 5 additional Comments

## Hearing Summary Report

being generated and processed into code revisions. On August 7, 2017, the SFM published a Report on Comments, summarizing all comments received during the Comment Period, the action taken on each and the justification therefor. At that time the SFM also published a Revised Draft 2017 Ohio Fire Code.

On August 9, 2017, the SFM began the formal Ohio rule adoption process by filing what was published as the Revised Draft 2017 Ohio Fire Code with the Common Sense Initiative Office where comments were again received from stakeholders from August 9 through August 21, 2017. Two comments were received and processed during that time. Thereafter, on September 29, 2017, the proposed rules (Ohio Administrative Code sections 1301:7-7-01 through 1301:7-7-80, collectively to be known as the 2017 Ohio Fire Code) were filed with JCARR. Throughout the course of the rule development process relevant documents were posted on the SFM's website and periodically updated as warranted. These included a process document outlining the SFM's procedures for updating the rules, a timeline with key dates, the Report on Petitions, the Report on Comments, the Draft 2017 Ohio Fire Code and the Revised Draft 2017 Ohio Fire Code. Throughout the process and when key milestones were reached and/or documents updated, notices were also posted on the SFM website and e-mail notifications were forwarded to all identified stakeholder groups.

1301:7-7-09: Mr. Terrey provided testimony regarding provisions in section 906 of the OFC. Section 906.1 requires that portable fire extinguishers be installed in specific occupancies. However, Exception 1 to this section states that Group A, B, and E occupancies that are equipped throughout with quick response sprinklers are only required to have portable fire extinguishers in specified locations. Mr. Terrey urged the deletion of this exception and provided statistical data indicating that 65% of fires do not grow quick enough to trigger quick release systems prior to the time that the fire could be extinguished with a portable fire extinguisher. Mr. Terrey also indicated that data and testing show that most civilian individuals tested in at least one study showed proficiency in effectively using a portable fire extinguisher. Finally, Mr. Terrey testified regarding national standards and the national trend, which have deleted the exception at issue. Mr. Terrey did not provide written testimony at the hearing, but indicated that he would forward a formal written statement to the SFM by the end of the day. Mr. Terrey was advised that any written statement provided would be marked as an exhibit and included in the formal record of the proceedings.

Subsequent to the hearing a written statement in support of Mr. Terrey's testimony was submitted by the Fire Equipment Manufacturers' Association (FEMA). It, along with an acknowledgement of receipt from the SFM was marked as Exhibit 16 and included as a part of the official record of the proceedings.

On November 8, 2017, the SFM provided a formal and more detailed response to FEMA. That response letter was marked as Exhibit 17 and also included as a part of the official record of the proceedings.

## Hearing Summary Report

Exhibits 13, 14, 15, 16 and 17 are being attached to the instant Hearing Summary Report. All other Exhibits (Exhibits 1-12) are reflective of documents already submitted to JCARR and are not therefore being resubmitted as a part of this report. The only exceptions are the Report on Petitions and the Report on Comments contained in Exhibit 1. These reports were submitted to the Common Sense Initiative Office, but have not been submitted to JCARR. They will be made available to JCARR, however, if requested.

## Hearing Summary Report

### Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

1301:7-7-09 (OFC 901.4.1): Language proposed by Mr. Neale was included in the 2017 OFC as a part of the adoption and incorporation of the 2012-2015 International Fire Code (IFC) updates. The relevant section as contained in the proposed rules reads in its entirety as follows:

“901.4.1 Required fire protection systems. Fire protection systems required by this code or the building code as listed in rule 1301:7-7-80 of the Administrative Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code or the building code as listed in rule 1301:7-7-80 of the Administrative Code has been granted shall be considered to be a required system.”

After the SFM informed Mr. Neale that the language he requested was included in the OFC, Mr. Neale expressed no other issues or concerns.

1301:7-7-09 (OFC 901.6.2): Language previously located at OFC 901.6.2 addressed records retention with respect to fire protection systems and required that records be maintained for a minimum of three years. That language was removed from section 901.6.2. However, new language was added at section 107.3 to state “A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or referenced standards.” Therefore, the requirement for a three year record retention was not deleted, but was moved to a more general section of the code which addresses general requirements for all required records, rather than only specifically addressing fire protection system records. Mr. Baumann was satisfied with the change.

1301:7-7-01 (OFC 107.3): Language at OFC section 107.3, which provides that a fire code official can prescribe the form and format for required periodic inspection, testing, servicing and maintenance records, was included in the 2017 OFC as a part of the adoption and incorporation of the 2012-2015 IFC. The SFM explained that the provision is not intended to provide broad discretion to the fire code official (FCO), but rather to allow the FCO to ensure that all necessary information is provided and in a format that is useable by the FCO. The SFM further explained that the provision regarding records retention is broad and includes records on many different types of systems and that, therefore, requiring a records retention form to specifically conform to NFPA 72 would not be proper because that form specifically addresses fire alarms and systems. Mr. Baumann was satisfied with the response and expressed no other issues or concerns.

1301:7-7-01 – 1301:7-7-80: Exhibits 1 through 15, proffered by Chief Smith, were accepted and incorporated into the record.

## Hearing Summary Report

1301:7-7-09: The SFM took Mr. Terrey's comments and the letter submitted by FEMA (Exhibit #16) concerning the same topic under advisement and later sent a formal reply to FEMA (Exhibit #17). As noted in that response and consistent with what the SFM discussed after the hearing with Mr. Terry and representatives from the Ohio Board of Building Standards (BBS) who were present at the hearing, the SFM supports the general concept of what has been proposed by FEMA to better align the OFC and Ohio Building Code (OBC) with the national model codes for the placement of portable fire extinguishers. However, the SFM does not intend to delete the provision from the current rule package as the exception to OFC section 906.1 was included in the current proposed rules in response to efforts to coordinate OFC provisions with like OBC provisions. (The recently effective 2017 OBC does contain the exception). The SFM believes that the most appropriate process to further evaluate this issue would be for FEMA to petition the BBS to revise the current edition of the OBC. If the BBS revises the OBC as requested by FEMA (a proposal that should merit careful consideration by the BBS based upon the information provided by FEMA), then the SFM will initiate a review of the OFC to coordinate it with the updated OBC. As a follow-up to the SFM's response, FEMA has agreed to follow this process.



October 10, 2017

Division of State Fire Marshal  
Attn. Code Enforcement Bureau  
8895 East Main Street  
Reynoldsburg, OH 43068

Dear Marshall Hussey,

Clean Fuels Ohio strongly supports the proposed changes made to the 2017 Ohio Fire Code. Our specific interest is in section 2304.3.11.1.

The former state fire code required that all unmanned, public stations that dispense compressed natural gas have fixed chemical suppression. Our understanding is the former version of the code was written with liquid fuels in mind instead of Compressed Natural Gas (CNG) as demonstrated by the suppression requirement. In the last few years, the adoption rate for CNG has dramatically increased so a more appropriate response to a CNG fire is necessary.

The requirement of a fixed suppression system was not envisioned for and is not applicable to a CNG station. A liquid fuel such as gasoline or diesel will pool on the ground. Thus, a chemical suppression system will be very effective in the event of a fire involving a liquid fuel. However, because CNG is lighter than air, there is no pooling of fuel. A fixed suppression system is ineffective and considered counter-productive by some experts in the field.

The requirement of a fixed suppression system is inconsistent with the International Fire Code and deviates from common practice across the United States.

Fixed suppression systems can cost between \$80,000- \$180,000. This is a significant cost increase for a project. In addition, none of Ohio's neighboring states require fixed suppression systems for CNG stations and this extra requirement makes these stations less economically viable for the developer and requires costs to be passed along to fleet users. These additional costs can discourage investment in alternative fuel infrastructure in Ohio, leaving us with a competitive disadvantage.

Once again, Clean Fuels Ohio strongly supports the changes made to the 2017 Fire Code. We appreciate your willingness to listen to us and our industry partners and work with us on a solution. If you have any questions or concerns, please contact us at your convenience.

Sincerely,

SAM SPOFFORTH  
Executive Director  
Clean Fuels Ohio





PO Box 225, Wilmot OH 44689 • 330-359-2640 • cngpitstop.com

October 10, 2017

Division of State Fire Marshal  
Attn: Code Enforcement Bureau  
8895 East Main Street  
Reynoldsburg, OH 43068

Dear Marshal Hussey,

Last year while constructing a CNG filling station in Dover, Ohio we were confronted with the State Fire Code requirement to install a costly, yet ineffective fire suppression system. In an effort to not waste construction dollars and also to benefit others in our industry, I spearheaded an effort with the assistance of Jason Phillips at Clean Fuels Ohio to obtain a variance to the suppression system requirement.

I consulted with code enforcement officers in your office as well as the local fire chief, Russ Volkert and his assistant. We devised an alternate system to the existing requirement that was intended for a liquid fuel station with underground storage tanks. Our fire protection approach was meant specifically for a CNG station and the dangers inherent with that type of fuel.

After first receiving an adjudication order from the building authority, we submitted our alternate plan to the chief building inspector, Nicholas Montan, who presented our plan to his peers in a code review meeting. Having received a positive review from them, I requested a hearing in front of the Board of Building Appeals where our alternate plan for a variance was reviewed and granted. Still, in violation of the state fire code itself, the Fire Marshal's office requested a reconsideration hearing to deny the variance. The BBA voted to uphold their prior decision to grant the variance.

Subsequently, over the next two months we discussed at length our alternative plan with the Fire Marshal's office and ultimately received a variance to implement that plan at our station that it may operate as a public-access, unmanned facility with our alternative fire protection plan in place.

The proposed changes you have before you to section 2304.3.11.1 are the plans we submitted and are preferred by the local fire authorities, the members of the Building Board of Appeals and code review officers I have met with in your office. It meets the requirements to cut the fuel supply and call the fire department automatically, in case of a fire. Fire detection and monitoring remain in place.

Natural gas is a clean and abundant local resource that is proven as an effective transportation fuel. It is an industry that continues to grow in Ohio. As fleet operators and regular consumers move to natural gas as an alternative motor fuel, the demand for more fueling stations will increase. Modifying the existing code with provisions specifically suited for natural gas is important not only for the safety of the consumer, but also for cost effectiveness in building the infrastructure. We support and encourage the proposed changes to the 2017 Fire Code and appreciate your willingness to work with us to do so.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Gary Yeates  
Managing Partner  
Buckeye CNG, Ltd, dba CNG Pitstop  
Cell: 330-231-0563  
E-mail: gary@cngpitstop.com

EXHIBIT

136  
2017 DFC PUBLIC HEARING  
11.3.17



THE OHIO  
FIRE OFFICIALS  
ASSOCIATION

## The Ohio Fire Officials Association (OFOA)

---

October 12, 2017,

Marshal Hussey  
Division of State Fire Marshal  
8895 East Main Street  
Reynoldsburg, Ohio 43068

Sir:

On behalf of the Ohio Fire Officials Association, I'm writing to pledge our support for the proposed 2017 Ohio Fire Code.

As stakeholders in this process, we genuinely appreciated the open dialogue and input your team permitted for the fire inspectors / officials of Ohio.

Sincerely,

Lt. Dave Belcher, OFE  
President, Ohio Fire Officials Association

---

**President**  
Dave Belcher  
8700 Refugee Road NW  
Pickerington, Ohio 43147  
(614) 837-4123

**Vice President**  
Michael Kocab  
37000 Euclid Avenue  
Willoughby, Ohio 44094  
(440) 918-8572

**Treasurer**  
Jim Alunni  
21 West Washington St.  
Chagrin Falls, Ohio 44022  
(440) 247-1671

**Secretary**  
Michael Froelich  
8210 Sylvania  
Sylvania, Ohio 43560  
(419) 882-7676

**EXHIBIT**

13 C  
2017 OFC PUBLIC HEARING  
11.3.17



PREMIER • PROFESSIONAL • PROACTIVE

October 12, 2017

Marshal Jeff A. Hussey  
Ohio State Fire Marshal's Office  
8895 East Main Street  
Reynoldsburg, OH 43068

Dear Marshal Hussey,

I am writing to you today to express support for the proposed revisions to the 2011 Ohio Fire Code on behalf of the Ohio Fire Chiefs' Association, which serves over 1,600 members of the fire service and related fields. We are unaware of any opposition from our membership and feel the 2017 Ohio Fire Code encompasses needed changes to the fire code that will keep both our fire service professionals and all Ohioans safe.

We thank your office for working with our membership and for allowing our voice to be heard through stakeholder meetings. The Ohio Fire Chiefs' Association fully supports the 2017 Ohio Fire Code and looks forward to its implementation once the JCARR process is complete. Please do not hesitate to contact me if you have any questions or would like to discuss further.

Thank you,

Chief Bill Houk  
President



October 16, 2017

Division of State Fire Marshal  
Attn. Code Enforcement Bureau  
8895 East Main Street  
Reynoldsburg, OH 43068

Dear Marshal Hussey (Jeff),

I'm writing for two reasons, first to offer support for the proposed changes to the 2017 Ohio Fire Code dealing with fire suppression requirements for unmanned Compressed Natural Gas public fill stations.

And second to offer training for 1<sup>st</sup> Responders in dealing with this particular fuel and its unique properties, equipment and systems.

Regarding Section 2304.3.11.1, I've suggested changes in previous petitions in that the current suppression systems outlined are simply not effective for a lighter than air fuel. They add significant costs and thus inhibit economic development to CNG station projects. There is also the cost of annual testing, maintenance and recharging. Finally, there is a patchwork of enforcement across the state with some districts requiring strict interpretation of the code and other understanding the incongruities.

Regarding 1<sup>st</sup> Responder training, I've included a syllabus of the half-day course we offer for your review. I'm anxious to help fire departments understand the safety issues and the exemplary record of CNG. I've taught several classes with local departments and would like to make this available to ALL the fire fighters in the state.

If I can help with either the revision process for the fire code or with any training needs, please don't hesitate to contact me directly,

Best regards,



RR#1, Box 588  
Wm. H. 'Bill' McGlinchey Sugar Grove, OH 43155  
President  
Phone: +740.438.6876  
Fax: +740.994.9097  
<http://www.afvtraining.net>  
Email: [w.mcglinchey@att.net](mailto:w.mcglinchey@att.net)

RR#1, Box 588

Sugar Grove, OH 43155

EXHIBIT

13a  
2017 OFC Public Hearing  
11.3.17

## Syllabus

**Course Title:** 1<sup>st</sup> Responder Safety Workshop

**Contact Hours:** 4.0 (0.4 C.E.U.)

**Description:**

This workshop covers two fuels (compressed natural gas and propane) and introduces the different types of gaseous fuels. First responders will also learn how to recognize gas their properties, current gaseous fuel vehicles, and their vehicle components. This workshop reviews how first responders should approach and assess an incident, required personal protective equipment for responding to an incident, general fire-fighting measures, 'no cut' zones and extrication.

**Objectives:** Upon completion of the course, students will:

- Understand the need for alternative fuels
- Understand the properties of natural gas as an automotive fuel
- Recognize leaks and natural gas odorant
- Understand CNG and LNG safety, current regulatory guidelines and standards
- Be able to identify NGV vehicles and system components, construction and materials
- Understand component operation, i.e., pressure regulators, transfer lines and safety devices specific to the Trilogy CNG storage systems
- Be able to locate Manual Shut Off valve(s), Pressure Relief Devices (PRD's)
- Be able to identify 'no cut' zones
- Be familiar with NGV fueling stations, operation and safety concerns

**Resources:**

The primary text for the course is the Department of Energy's NAFTC First Responder Guide Book. Additional references include: NFPA 52, 'Compressed Natural Gas Vehicular Fuel Systems' and various current multimedia material supplements.

**Prerequisites:**

While there are no mandatory prerequisites, it is recommended that the students have a basic mechanical knowledge. A general automotive background is also advantageous.

**Competency:**

Competence will be measured by lab demonstration, pre and posttests for each module. Upon successful completion of either, certification will be issued those organizations.

## Boyd, Tracie

---

**From:** Boyd, Tracie  
**Sent:** Thursday, October 05, 2017 8:36 AM  
**To:** Robert Neale  
**Cc:** Corey Roblee; Thompson, Tim (timothy.thompson@com.state.oh.us)  
**Subject:** RE: Rule 1301:7-7-09

Mr. Neale ~

Thank you for reviewing our rules and taking part in the process. The underlined language below has been included in our draft 2017 Ohio Fire Code provisions (at sec. 901.4.1) that were submitted for legislative review (which is the last step in our formal rule making process). If you have any questions or additional comments or suggestions, please do not hesitate to contact me and, again, thank you!

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND/OR PRIVILEGED ATTORNEY WORK PRODUCT AND/OR SUBJECT TO THE COMMON INTEREST PRIVILEGE  
**NOT FOR PUBLIC RELEASE**



*Tracie M. Boyd*

Asst. Division Counsel / Code Development Officer  
Ohio Department of Commerce  
Division of State Fire Marshal  
8895 East Main Street, Reynoldsburg, Ohio 43068  
Office: (614) 728-5460 / Direct: (614) 387-0106  
Fax: 614-728-5168

*This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it*

**From:** Robert Neale [mailto:rneale@ICCSafe.ORG]  
**Sent:** Wednesday, October 04, 2017 2:41 PM  
**To:** Boyd, Tracie <Tracie.Boyd@com.state.oh.us>  
**Cc:** Corey Roblee <croblee@iccsafe.org>  
**Subject:** Rule 1301:7-7-09

Tracie,

Rob Neale here from the International Code Council.

I have looked over this proposed regulation and wonder if I might add a suggestion that would help it align with the 2015 International Fire Code, as well as save some interpretation problems down the road?

Section 901.2.1 of the 2015 IFC has a second sentence that reads: "A *fire protection system* for which a design option, exception or reduction to the provisions of this code or the *International Building Code* has been granted shall be considered to be a required system."

For Ohio, it might read

(a) **901.4.1 Required fire protection systems.** Fire protection systems required by this code or the *building code as listed in rule 1301:7-7-47 of the Administrative Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code or the *building code as listed in rule 1301:7-7-47 of the Administrative Code* has been granted shall be considered to be a required system.

Thank you for the opportunity to comment on this proposed rule-making.

Rob

Rob Neale, Government Relations Vice President  
National Fire Service Activities  
International Code Council  
500 New Jersey Avenue, Sixth Floor  
Washington, DC 20001  
P: 1.888.422.7233 Ext. 6256  
M: 202.440.3244  
E: [rneale@iccsafe.org](mailto:rneale@iccsafe.org)  
Twitter: @ICCFire

***Let's kick your building industry career goals into high gear. ICC Membership benefits provide the education, networking & career advancement resources to help make it happen. Success is a decision! [Learn more & join today.](#)***

## Boyd, Tracie

---

**From:** COM SFM Ohio Fire Code  
**Sent:** Tuesday, October 17, 2017 10:13 AM  
**To:** 'proalert@fuse.net'  
**Subject:** RE: 2017 Ohio Fire Code Changes - Public Hearing Invite

Mr. Baumann ~

Thank you again for your input.

The language you reference is national language and was incorporated into the proposed 2017 Ohio Fire Code (OFC) as a part of the adoption and incorporation of the International Code Counsel's International Fire Code. The provisions in OFC section 107 are more general requirements and, therefore, limiting the testing forms to those addressing fire alarms / systems would not be appropriate. Other records are required to be maintained under the OFC and the format for keeping records relevant to NFPA 72 would not always be applicable.

The provision is not intended to give local officials unfettered broad discretion to require records in an unreasonable form or format. However, it is intended to allow local officials the ability to require a particular form whereby they can ensure that all relevant data is submitted, or to require a particular format such as an electronic submission to ensure that all information is received in a manner that can be most easily utilized.

If you have a particular issue with a department requiring unreasonable information or submissions (either under current OFC provisions or these new provisions once in effect), please feel free to contact the State Fire Marshal's Code Enforcement Bureau at 614-728-5460 or 888-276-0303. We would be happy to try to help resolve any issues that arise.

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND/OR PRIVILEGED ATTORNEY WORK PRODUCT AND/OR SUBJECT TO THE COMMON INTEREST PRIVILEGE  
**NOT FOR PUBLIC RELEASE**



*Tracie M. Boyd*

Asst. Division Counsel / Code Development Officer  
Ohio Department of Commerce  
Division of State Fire Marshal  
8895 East Main Street, Reynoldsburg, Ohio 43068  
Office: (614) 728-5460 / Direct: (614) 387-0106  
Fax: 614-728-5168

*This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.*

**From:** proalert@fuse.net [mailto:proalert@fuse.net]  
**Sent:** Tuesday, October 10, 2017 8:04 PM  
**To:** COM SFM Ohio Fire Code <OhioFireCode@com.state.oh.us>  
**Subject:** RE: 2017 Ohio Fire Code Changes - Public Hearing Invite

Thank you Tracie for your reply. I agree with it. It just seemed confusing I thought. On another note, the part about leaving the record keeping format to the AHJ to determine how documentation is to be kept: The fire code official is authorized to prescribe the form and format of such recordkeeping. The fire code official is authorized to require that certain required records be filed with the fire code official.



When the code states, "The fire code official can state the form and format of such record keeping" shouldn't it state a testing form prescribed by NFPA? I am not sure how this may be interpreted at a local level and what format would they want it in. Some smaller business like mine don't use spread sheets or special programs and just use the testing form prescribed by NFPA 72 for fire alarm testing that is hand filled out in the field during the test. This is a basic form printed and sold by the Automatic Fire Alarm Association. In trying to comply with many different jurisdictions I have been in situations where a code interpretation in one Township is understood differently in another Township. The second half of the red statement above is fine. I found some jurisdictions want all testing documents and some only what them when there is a problem found during a fire alarm test. Overall, most fire alarm companies I talk with and hear from would like state codes more in line with NFPA 72 and other related NFPA codes for better consistence from jurisdiction to jurisdiction. Thank you for allowing to my two cents.

Sincerely,

Ron Baumann 54-31-0268  
ProAlert Security Systems, LLC  
Cincinnati, Ohio 45253  
513-353-3141 office  
www.proalertsecuritysystems.com

The information contained in this e-mail, including attachments, is the property of ProAlert Security Systems, LLC and may be confidential. The information is intended for use solely by the individual or entity named in the message. If you are not the intended recipient or you received this in error, please notify the sender immediately by reply e-mail and delete this e-mail from your system. Other than to effect the foregoing, any review, printing, copying, retransmission or distribution of any such information without the permission of ProAlert Security Systems, LLC is strictly prohibited.

----- Original Message -----

From: OhioFireCode@com.state.oh.us  
To: proalert@fuse.net  
Sent: Tue, 10 Oct 2017 18:05:21 -0400 (EDT)  
Subject: RE: 2017 Ohio Fire Code Changes - Public Hearing Invite

@font-face  
{font-family:"Cambria Math";  
panose-1:2 4 5 3 5 4 6 3 2 4;}  
@font-face  
{font-family:Calibri;  
panose-1:2 15 5 2 2 2 4 3 2 4;}  
@font-face  
{font-family:Georgia;  
panose-1:2 4 5 2 5 4 5 2 3 3;}  
@font-face  
{font-family:"Rage Italic";  
panose-1:3 7 5 2 4 5 7 7 3 4;}  
@font-face  
{font-family:Calibri-Italic;

panose-1:0 0 0 0 0 0 0 0 0 0;}

@font-face

{font-family:Calibri-Bold;

panose-1:0 0 0 0 0 0 0 0 0 0;}

p.MsoNormal, li.MsoNormal, div.MsoNormal

{margin:0in;

margin-bottom:.0001pt;

font-size:12.0pt;

font-family:"Times New Roman",serif;}

a:link, span.MsoHyperlink

{mso-style-priority:99;

color:blue;

text-decoration:underline;}

a:visited, span.MsoHyperlinkFollowed

{mso-style-priority:99;

color:purple;

text-decoration:underline;}

p.msonormal0, li.msonormal0, div.msonormal0

{mso-style-name:msonormal;

mso-margin-top-alt:auto;

margin-right:0in;

mso-margin-bottom-alt:auto;

margin-left:0in;

font-size:12.0pt;

font-family:"Times New Roman",serif;}

span.EmailStyle20

{mso-style-type:personal-reply;

font-family:"Calibri",sans-serif;

color:windowtext;}

.MsoChpDefault

{mso-style-type:export-only;

font-size:10.0pt;}

@page WordSection1

{size:8.5in 11.0in;

margin:1.0in 1.0in 1.0in 1.0in;}

div.WordSection1

{page:WordSection1;}

-->

Mr. Bauman ~

Thank you for your input regarding the proposed Ohio Fire Code update.

The language that you reference from section 901.6.2 was, as you have indicated, deleted. However, relevant language was added in Rule 1 that I believe alleviates your concerns.

The new provisions of each relevant section are:

#### 901.6.2 Records.

Records of all system inspections, tests and maintenance required by the referenced standards

shall be maintained ~~on the premises for a minimum of 3 years~~  
~~unless otherwise provided for by law or regulation~~  
and

~~shall be copied to the fire code official upon request.~~

##### 901.6.2.1 Records information.

**Initial records** shall include the name of the installation contractor, type of

components installed, *the* manufacturer of the components, location and number of components installed per floor.

Records shall also include the manufacturer's operation and maintenance instruction manuals. Such records shall be

maintained ~~on the premises~~for the life of the installation.  
**Acceptance testing records** (original documents)  
shall be  
retained for the life of the system.

---

## Section 107 Maintenance

(1)

### 107.1 Maintenance of safeguards.

~~Whenever or wherever~~Whereany device, equipment, system, condition, arrangement, level of

protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device,

equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously  
**maintained** in

accordance with this code and applicable referenced standards.

**(2) 107.2 Testing and operation.**

Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated

as specified in this code.

~~(a)~~

~~**107.2.1 Test and inspection records.**~~

~~Required test and inspection records shall be available to the fire code official at all times or~~

~~such records as the fire code official designates shall be filed with the fire code official.~~

~~(ba)~~

~~**107.2.2 107.2.1 Reinspection and testing.**~~

Where any work or installation does not pass an initial test or inspection, the necessary

corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire

code official for inspection and testing.

**(3)**

**107.3 Recordkeeping.**

**A**

record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained

on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or

referenced standards. Records shall be made available for inspection by the fire code official, and a copy of the records shall be

provided to the fire code official upon request.

The fire code official is authorized to prescribe the form and format of such recordkeeping. The fire code official is authorized to

require that certain required records be filed with the fire code official.

Pursuant to 901.6.2.1, install records and acceptance testing documentation would have to be maintained for the life of the system. However, with the language added in 107.3, inspections, tests and servicing records would have to be maintained for three years, or as otherwise provided in the appropriate referenced standard. (As you pointed out, some standards require less than three years and others longer, depending on the equipment).

I believe that reading these two provisions together addresses your concerns. However, please let me know if this is not accurate, or if you have any other concerns.

Also, at this point in the rule adoption process, we are receiving formal comments for our public hearing which (as a part of the formal JCARR rule adoption process) will be held on Friday, November 3, at 10:00 a.m., at the Division of State Fire Marshal. Any comments that we receive (orally or in writing) are kept as a part of our official record and included in a report that we file with JCARR. Regarding your inquiry, unless you would prefer otherwise, your comments below will be considered a formal comment in our process and included in the report. If you would rather that not occur and for your comments to be processed as a general inquiry rather than a formal comment in the update process, please let me know.

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND/OR PRIVILEGED ATTORNEY WORK PRODUCT AND/OR SUBJECT TO THE COMMON INTEREST PRIVILEGE

NOT FOR PUBLIC RELEASE



*Tracie M. Boyd*

Asst. Division Counsel / Code Development Officer

Ohio Department of Commerce

Division of State Fire Marshal

8895 East Main Street, Reynoldsburg, Ohio 43068

Office: (614) 728-5460 / Direct: (614) 387-0106

Fax: 614-728-5168

*This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.*

---

**From:** proalert@fuse.net [mailto:proalert@fuse.net]

**Sent:** Thursday, October 05, 2017 9:59 AM

**To:** COM SFM Ohio Fire Code <OhioFireCode@com.state.oh.us>

**Subject:** Re: 2017 Ohio Fire Code Changes - Public Hearing Invite

Hello,

I wanted to have some input on the record keeping on fire alarm systems in the new fire code proposed changes about to occur. Proposed changes to 901.6.2 to take the 3 year minimum out for test record retention should be left in place. If a device such as a manual pull or horn strobe was replaced due to a failure found during a test it would be able to be discovered within the three years of test records. I don't understand what keeping test records more than three years would accomplish. Records should be maintained on the premise of the fire alarm system by the building owner or occupant if rented. I do understand the original record of completion and as built drawings being maintained but, test records of the last three years should be sufficient as it relates to fire alarm systems. NFPA 72 only requires a supervising station (the monitoring central station) to keep records of all signals for one year. Also, NFPA 72 states that test records shall be maintained for the current year and the year preceding the current year or basically two years. Test records on fixed and rate of rise heat sensors (restorable type sensor) five years. To keep test records for the life of a system that could be 20 years or longer might not be manageable especially when properties are sold and alarm companies are changed out.

Any thoughts?

---

Ron Baumann 54-31-0268

ProAlert Security Systems, LLC

Cincinnati, Ohio 45253

513-353-3141 office  
[www.proalertsecuritysystems.com](http://www.proalertsecuritysystems.com)

The information contained in this e-mail, including attachments, is the property of ProAlert Security Systems, LLC and may be confidential. The information is intended for use solely by the individual or entity named in the message. If you are not the intended recipient or you received this in error, please notify the sender immediately by reply e-mail and delete this e-mail from your system. Other than to effect the foregoing, any review, printing, copying, retransmission or distribution of any such information without the permission of ProAlert Security Systems, LLC is strictly prohibited.

----- Original Message -----

From: 2017 Fire Code - Public Hearing Invite <2017 Fire Code - Public Hearing Invite>

To: [PROALERT@fuse.net](mailto:PROALERT@fuse.net)

Sent: Wed, 04 Oct 2017 11:31:06 -0400 (EDT)

Subject: 2017 Ohio Fire Code Changes - Public Hearing Invite

I am pleased to announce that the Common Sense Initiative Office has completed its review of the proposed 2017 Ohio Fire Code (OFC), also known as Administrative Code sections 1301:7-7-01

through 1301:7-7-80, and that the rules have now been filed with the Joint Committee on Agency Rule Review (JCARR).

With the filing of the 2017 OFC with JCARR we will enter the final formal phase of the rule revision process. The State Fire Marshal will conduct a public hearing on these rules at 10:00 a.m., on Friday, November 3, 2017 at the Division of State Fire Marshal, 8895 East Main Street, Reynoldsburg, OH 43068. The purpose of this hearing is to receive public comment

on the rescission of the currently existing 2011 Ohio Fire Code and the adoption of the 2017 Ohio Fire Code.

Any person may appear at the hearing in person or through counsel and provide oral and/or written comments or testimony regarding the 2017 OFC.

In addition, any person may submit written comments or testimony to the SFM prior to the hearing. Written testimony or comments must be submitted on or before Friday, November 3, 2017 at 5:00 p.m. A person that does submit written comments prior to the hearing date may, but is not required to, also appear at the hearing and give testimony or not.

Written comments may be submitted on or before November 3, 2017, to the SFM via hand delivery, mail, facsimile, or e-mail to the following:

Division of State Fire Marshal

Attn. Code Enforcement Bureau

8895 East Main Street

Reynoldsburg, OH 43068

614.728.5460 / 888.276.0303

Fax: 614.728.5168



The official copy of the proposed rules can be viewed by accessing the Register of Ohio ([www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us)).

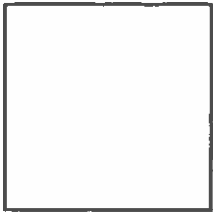
You can also view the proposed rules, along with other relevant information (including a timeline), by visiting the SFM's website ([www.com.ohio.gov/fire](http://www.com.ohio.gov/fire))

and clicking on the "Revised Draft 2017 Ohio Fire Code" tab on the right hand side of the screen.

If you have any questions regarding the 2017 OFC, any of its associated materials, or the update process in general, please send an inquiry to [OhioFireCode@com.state.oh.us](mailto:OhioFireCode@com.state.oh.us) or contact the SFM's Code Enforcement Bureau at (614) 728-5460.

Thank you.

---



Jeff Hussey, OFE, OFC, CFO

State Fire Marshal

Ohio Department of Commerce

Division of State Fire Marshal

8895 East Main Street

Reynoldsburg, Ohio 43068

Phone: 614.752.7161 Fax: 614.752.7213

[www.com.ohio.gov](http://www.com.ohio.gov)

*This message and any response to it may constitute a public record and thus may be publicly available to anyone*

*who requests it.*

---

\*\*\*\*\*  
\*

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information

by persons or entities other than the intended recipient is prohibited. If you have received this email in error please contact the sender and delete the material from any computer.

\*\*\*\*\*  
\*  
\*\*\*\*\*  
\* The information transmitted is intended solely for the individual or entity

to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited.

If you have received this email in error please contact the sender and delete the material from any computer.

\*\*\*\*\*  
\*

---

You are currently subscribed to com\_testing\_and\_registration as:  
[PROALERT@fuse.net](mailto:PROALERT@fuse.net).

To unsubscribe click here:

[http://list.em.ohio.gov/u?id=28006673.0e67f3550b10bb7683e96f9ce6fc8a48&n=T&l=com\\_testing\\_and\\_registration&o=660263](http://list.em.ohio.gov/u?id=28006673.0e67f3550b10bb7683e96f9ce6fc8a48&n=T&l=com_testing_and_registration&o=660263)

(It may be necessary to cut and paste the above URL if the line is broken)

or send a blank email to

[leave-660263-28006673.0e67f3550b10bb7683e96f9ce6fc8a48@list.em.ohio.gov](mailto:leave-660263-28006673.0e67f3550b10bb7683e96f9ce6fc8a48@list.em.ohio.gov)

\*\*\*\*\*  
\*

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error please contact the sender and delete the material from any computer.

\*\*\*\*\*  
\*  
\*\*\*\*\*  
\*

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error please contact the sender and delete the material from any computer.

\*\*\*\*\*  
\*

## Boyd, Tracie

---

**From:** Boyd, Tracie  
**Sent:** Friday, November 03, 2017 2:45 PM  
**To:** 'Craig Addington'; Hussey, Jeff  
**Cc:** Spurgeon, William; Thompson, Tim (timothy.thompson@com.state.oh.us)  
**Subject:** RE: Final Version: Ohio Fire Code Testimony

Mr. Addington ~

Thank you for forwarding your written statement. This will confirm that we have received your formal written statement; it (along with this response) will be marked as Exhibit 16 and included in the official record of this morning's hearing regarding the proposed 2017 Ohio Fire Code.

We will forward a formal response to you in the near future.

Please thank Mr. Terrey for his participation in the hearing this morning. We greatly appreciate his knowledge and input in the process.

**PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND/OR PRIVILEGED ATTORNEY WORK PRODUCT AND/OR SUBJECT TO THE COMMON INTEREST PRIVILEGE  
NOT FOR PUBLIC RELEASE**



*Tracie M. Boyd*

Asst. Division Counsel / Code Development Officer  
Ohio Department of Commerce  
Division of State Fire Marshal  
8895 East Main Street, Reynoldsburg, Ohio 43068  
Office: (614) 728-5460 / Direct: (614) 387-0106  
Fax: 614-728-5168

*This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it*

**From:** Craig Addington [mailto:caddington@thomasamc.com]  
**Sent:** Friday, November 03, 2017 1:13 PM  
**To:** Hussey, Jeff <Jeff.Hussey@com.state.oh.us>; Boyd, Tracie <Tracie.Boyd@com.state.oh.us>  
**Subject:** Final Version: Ohio Fire Code Testimony  
**Importance:** High

Mr. Hussey / Ms. Boyd

Please see the attached Ohio Fire Code testimony letter submitted by FEMA.

Regards

Craig Addington  
Fire Equipment Manufacturers Association  
1300 Sumner Avenue  
Cleveland, Ohio 44115  
(P) 216-241-7333

(F) 216-241-0105  
[caddington@thomasamc.com](mailto:caddington@thomasamc.com)

## Boyd, Tracie

---

**From:** Craig Addington <caddington@thomasamc.com>  
**Sent:** Friday, November 03, 2017 1:13 PM  
**To:** Hussey, Jeff; Boyd, Tracie  
**Subject:** Final Version: Ohio Fire Code Testimony  
**Attachments:** FEMA OHIO Testimony.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Hussey / Ms. Boyd

Please see the attached Ohio Fire Code testimony letter submitted by FEMA.

Regards

Craig Addington  
Fire Equipment Manufacturers Association  
1300 Sumner Avenue  
Cleveland, Ohio 44115  
(P) 216-241-7333  
(F) 216-241-0105  
caddington@thomasamc.com

# FIRE EQUIPMENT MANUFACTURERS' ASSOCIATION



Saving Lives, Protecting Property.

November 3, 2017

Jeff Hussey  
State Fire Marshal  
Division of State Fire Marshal  
Attn. Code Enforcement Bureau  
8895 East Main Street  
Reynoldsburg, OH 43068  
Jeff.Hussey@com.ohio.gov

Dear Fire Marshal Hussey,

I am writing to you on behalf of the Fire Equipment Manufacturers' Association (FEMA) regarding Ohio's effort to update the Ohio Fire Code. Specifically, FEMA is concerned with the decision to deviate from the national model codes and insert an amendment which would significantly reduce the number of portable fire extinguishers required in most public buildings, thereby weakening fire safety requirements.

The amendment in question adds an exception to the extinguisher requirement in A,B and E occupancies (Section 906.1) and limits extinguishers placement to only hazardous areas in these occupancies. With the insertion of this amendment, it will reverse Ohio's decision from 2011 when Ohio was a leader in fire safety and chose to require extinguishers throughout buildings regardless of the presence of quick response sprinklers. In updating to this version of the fire code, which includes this exception, Ohio has chosen to weaken the national model code on which the Ohio Fire Code is based.

Fire extinguishers are the first line of defense for small, controllable fires. They are intended to be used for fires of limited size and easily controlled. If a fire is discovered in its early stages, the most effective means of protecting life and preventing property loss is to sound an alarm and then to control and/or extinguish the incipient stage fire with a portable fire extinguisher. To simply wait for the fire to grow large enough in size for a sprinkler head to activate, is contrary to lessons and guidance from fire service and fire protection professionals. Since fire extinguishers provide a first line of defense versus sprinklers, it remains unclear as to the justification for this exception.

It is for that reason that prior to the 2012 International Fire Code (IFC), more than 20 states, including Ohio, adopted amended versions of the 2006 and 2009 IFC that removed the exception and required extinguishers throughout most buildings regardless of the presence of sprinklers. After considering a proposal from the National Association of State Fire Marshals (NASFM), the International Code Council (ICC) voted to remove this exception in the 2012 code. NASFM, and other supporters of the exception's removal, rightly argued that

**FIRE EQUIPMENT MANUFACTURERS' ASSOCIATION**

*Executive Director: THOMAS ASSOCIATES, INC.*

1300 Sumner Avenue, Cleveland, Ohio 44115-2851 • Telephone: 216-241-7333 • Fax: 216-241-0105  
E-Mail: fema@femalifesafety.org • www.femalifesafety.org • www.rackhosetraining.com • www.firesystemstraining.org



exempting occupancies from fire extinguisher requirements can leave those buildings without a proper firefighting tool for small, controllable fires. The ICC agreed with this rationale and removed the exception in the last two versions (2012 and 2015) of the IFC. As the State of Ohio bases its building and fire codes on these national model codes, we respectfully request that the Division of Fire Marshal maintain the current level of protection and not insert the 906.1 Line 1 exception.

Ohio is not unique in the decision to base the building and fire codes on these national model codes, as most jurisdictions do the same. The reasons are relatively simple: by utilizing a national consensus process the requirements of the ICC model codes are well vetted by a cross-section of regulators and industries. This results in appropriate safety provisions for the vast majority of jurisdictions, based upon national consensus processes. Amendments that weaken the model codes upon their state adoption should be carefully considered and only made through deliberate, well-reasoned processes, resulting in changes that only make the model codes safer for the residents of Ohio.

With the adoption of the 2011 Ohio Fire Code, the state was a forerunner in developing the current standard for layered fire safety. However, with Ohio's decision to add the Line 1 exception into Section 906.1, it markedly reduces the fire safety standards in the specified occupancies. Further, with this action, Ohio will become an extreme outlier nationally in having these reduced fire safety standards.

With FEMA representing an international group of leading fire protection manufacturers, we are continuously committed to developing complete and balanced fire protection plans that will save lives and reduce property damage. Further, given our more than a decade's worth of experience with the issue, we have been able to curate the following detailed account for the model codes' requirements for portable fire extinguishers.

- If there is any question as to whether the citizenry in the United States is acting early to extinguish incipient fires, the report of the U.S. Consumer Products Safety Commission should put those doubts to rest. According to their report, only 5-10 percent of fires are reported to fire departments in the U.S. We submit that, since people are, in fact, extinguishing small fires in their incipient stage on a very regular basis, the code should provide for the proper tools to do so - that is, maintain the requirements for portable extinguishers. According to this report, people use portable extinguishers on 371,000 residential fires in the U.S. annually. In this same report, the agency stated that extinguishers were effective in 80 percent of the cases where they were used. The entire 234 page report, published in 2009, can be found at: <https://www.cpsc.gov/PageFiles/105297/UnreportedResidentialFires.pdf>

Some of these fires are extinguished using fire extinguishers; others are being extinguished with makeshift means. Extinguishers are the appropriate tool and designed for use on incipient fires. Providing portable fire extinguishers in facilities greatly enhances safety, including the safety of those who choose to extinguish a fire in its incipient phase; extinguishers should be available in all buildings.

- An NFPA report on fires in sprinklered buildings published in 2010 states that in fires reported in buildings equipped with sprinkler systems, the fire didn't grow large enough to activate the sprinklers in 65 percent of the cases (page 11). The fires cited in this report were large enough to be reported to the fire department; the sprinkler

systems were operational and would have activated if the fire had grown larger, but were extinguished or otherwise mitigated prior to sprinkler activation. This report verifies that people are intervening when a fire is small, saving the property owner(s) substantial sums of money by putting the fire out before it grows larger, doing more damage and before sprinklers activate, while protecting the lives of building occupants. You can see that report here:

[http://www.tvsfpe.org/images/us\\_experience\\_with\\_sprinklers.pdf](http://www.tvsfpe.org/images/us_experience_with_sprinklers.pdf)

- Where cost is a consideration, portable fire extinguishers are, without a doubt, one of the most cost effective layers of fire protection available. A life cycle cost analysis was conducted in 2014 by Richard Bukowski, P.E, then working for RJA. In that study, the actual cost of portable extinguishers in several facilities was used to determine the real-world cost of these devices. Using 12 health care facilities, the costs of initial purchase, installation, monthly and annual maintenance, as well as all associated maintenance required by NFPA-10 (the standard referenced in ICC Codes) were compiled and analyzed. According to this study, the actual costs of portable extinguishers in these facilities ranged from \$.015 (one and one half cent) to \$.04 (four cents) per square foot per year. His study also states that, if a facility were able to utilize the minimum number of extinguishers required by the Codes based upon coverage of an area, the costs would be between \$.005 (one half cent) and \$.01 (one cent) per square foot per year. This report can be found at:  
<http://www.femalifesafety.org/docs/006GRCAAtt01RJAFinalReport011714.pdf>
- Finally, the question of whether a person needs to be trained in order to use a portable extinguisher has been mentioned. While we encourage training those who may utilize portable extinguishers, there is substantial evidence that people without training can and do use extinguishers safely and effectively. Specifically, Worcester Polytechnic Institute and Eastern Kentucky University conducted a study titled "Ordinary People and Fire Extinguisher Effectiveness". In that study of 276 untrained persons, over 90 percent operated the extinguisher effectively on a simulated fire, with 98% successfully pulling the pin, squeezing the trigger, and discharging the agent. 74% used proper techniques including aiming at the base of the fire and using a sweeping motion. This study dispels any doubt that extinguishers can be effective in the hands of novice users.

<http://www.femalifesafety.org/docs/WPIStudyFinal.pdf>

In conclusion, FEMA would respectfully request that the draft Ohio Fire Code be amended to remove the Line 1 exception in Section 906.1. Thank you for your consideration to this letter. Please do not hesitate to contact me with any questions.

Sincerely,

Craig Voelkert, CFPS, CFEI  
Amerex  
Chair, FEMA Government Relations Committee  
(205) 655-3271

Cc:

Tracie Boyd  
Assistant Division Counsel / Code Development Officer  
Ohio Department of Commerce  
Division of the State Fire Marshal  
8895 East Main Street  
Reynoldsburg, OH 43068  
Tracie.Boyd@com.state.oh.us

---



## Department of Commerce

Division of State Fire Marshal  
John R. Kasich, Governor  
Jacqueline T. Williams, Director

November 8, 2017

Mr. Craig Voelkert, CFPS, CFEI  
Amerex  
Chair, FEMA Government Relations Committee  
c/o Craig Addington  
Fire Equipment Manufacturers' Association  
1300 Sumner Avenue  
Cleveland, OH 44115

Dear Mr. Voelkert:

Thank you for the written testimony that you submitted pursuant to the Public Hearing held at the Ohio Department of Commerce, Division of State Fire Marshal (SFM) on November 3, 2017 as a part of our formal 2017 Ohio Fire Code update process.

You proposed that Exception 1 to currently proposed Ohio Fire Code (OFC) section 906.1 be deleted. The relevant language reads as follows:

**(F) Section 906 Portable fire extinguishers.**

**(1) 906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

(a) In new and existing Group A, B, E, F, H, I, M, R-1, R-2 and S occupancies.

**Exceptions:**

1. In Group A, B and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in location specified in paragraph (b) through (f) of this rule.

2. In Group R-2 occupancies, portable fire extinguisher shall be required only in locations specified in paragraphs (b) through (f) where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.

As you indicated, Exception 1 was contained in prior versions of the OFC and the International Fire Code (IFC). When enacting the 2011 OFC, the exception was deleted. Pursuant to your letter it appears that Ohio was in line with numerous other state jurisdictions in deleting the exception. The IFC followed suit by also deleting the exception in the 2012 version of the IFC. The most recent 2015 IFC also retains the deletion.

**EXHIBIT**

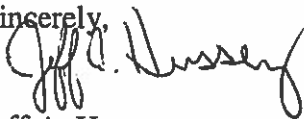
17  
2017 OFC PUBLIC HEARING  
11-3-17

The exception, however, was included in the proposed 2017 OFC in response to efforts to coordinate OFC provisions with like Ohio Building Code (OBC) provisions. (The recently effective 2017 OBC does contain the exception). While the SFM supports the general concept of what FEMA has proposed and the alignment of the OFC with the national model codes regarding portable fire extinguisher placement, I believe that the most appropriate process to further evaluate this issue would be for FEMA to petition the BBS to revise the current edition of the OBC. If the BBS revises the OBC as requested by FEMA (a proposal that should merit careful consideration by the BBS based upon the information provided by FEMA), then the SFM will initiate a review of the OFC to coordinate it with the updated OBC.

In addition, this matter will need to be further evaluated in keeping with possible future updates to the IFC. Although not currently effective, the SFM has been made aware that the International Code Council has proposed further changes to provisions relative to portable fire extinguishers. Any provisions contained in the 2018 IFC will also have to be considered when making future revisions to the OFC.

Thank you for your participation in the Ohio Fire Code update process and, as discussed with Mr. Terrey, for your willingness to work with my office in the future to evaluate these provisions and work toward a resolution that will harmonize the Ohio Building and Fire Codes and relevant national standards. As always, the safety of our citizens is our top priority and I look forward to working with you on this matter as we move forward.

Sincerely,



Jeff A. Hussey  
State Fire Marshal  
Ohio Department of Commerce

CC: Larry Wolpert, JCARR  
Whitney Patterson, JCARR  
Jeff Terrey, FEMA (via e-mail: [jterrey@rasky.com](mailto:jterrey@rasky.com))  
Craig Addington, FEMA (via e-mail: [caddington@thomasamc.com](mailto:caddington@thomasamc.com))