

**Note:** Email completed form to jcarr1@jcarr.state.oh.us.

Hearing Date: 11/19/2018

Today's Date: 11/20/2018

Agency: Ohio Department of Commerce, Division of State Fire Marshal (SFM)

Rule Number(s): 1307:7-7-01, 1307:7-7-02, 1307:7-7-03, 1307:7-7-05, 1307:7-7-07, 1307:7-7-09, 1307:7-7-10, 1307:7-7-11, 1307:7-7-23, 1307:7-7-27, 1307:7-7-32, 1307:7-7-50, 1307:7-7-56, 1307:7-7-57, 1307:7-7-60, 1307:7-7-61, 1307:7-7-62 [Click here to enter text.](#)

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

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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. Joe Rosato, Director of Government Affairs - Ohio Restaurant Association (Rule 1301:7-7-03 – letter of support submitted prior to hearing)
2. Mr. Craig Voelkert, Chair, Government Relations Committee - Fire Equipment Manufacturers' Association (FEMA) (Rule 1301:7-7-09 – letter of support submitted prior to hearing)
3. Chief Alan Smith - SFM Code Enforcement Bureau (All package rules)
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## 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).

1301:7-7-03 (specifically section 320) – Prior to the hearing, Mr. Rosato submitted a letter of support for the changes proposed in Rule 3 regarding mobile food units. The letter indicates that the changes will “relieve unnecessary burdens” and “strike a perfect balance” between safety and regulation.

1301:7-7-09 (specifically section 906.1) – Prior to the hearing, Mr. Voelkert submitted a letter of support for changes proposed in Rule 9 regarding the placement of portable fire extinguishers. The changes align the Ohio Fire Code (OFC) with national standards and with recent amendments made to the Ohio Building Code.

All package rules – At the hearing, Chief Smith submitted the following exhibits for the record:

1. A compact disc containing all proposed new rules as submitted to JCARR (1307:7-7-01, 1307:7-7-02, 1307:7-7-03, 1307:7-7-05, 1307:7-7-07, 1307:7-7-09, 1307:7-7-10, 1307:7-7-11, 1307:7-7-23, 1307:7-7-27, 1307:7-7-32, 1307:7-7-50, 1307:7-7-56, 1307:7-7-57, 1307:7-7-60, 1307:7-7-61, 1307:7-7-62) and the Rule Summary Fiscal Analyses (Parts A and B) for all proposed new rules as submitted to JCARR.
2. Common Sense Initiative Business Impact Analysis, dated September 17, 2018.
3. Memorandum of recommendation from the Common Sense Initiative, dated October 15, 2018.
4. Memorandum of acknowledgement from Ohio Department of Commerce, Division of State Fire Marshal, dated October 15, 2018.
5. Electronic Rule Filing System confirmation of Original File of Rescinded Rules 1307:7-7-01, 1307:7-7-02, 1307:7-7-03, 1307:7-7-05, 1307:7-7-07, 1307:7-7-09, 1307:7-7-10, 1307:7-7-11, 1307:7-7-23, 1307:7-7-27, 1307:7-7-32, 1307:7-7-50, 1307:7-7-56, 1307:7-7-57, 1307:7-7-60, 1307:7-7-61, 1307:7-7-62 (Package #184336), dated October 18, 2018.
6. Electronic Rule Filing System confirmation of Original File of New Rules 1307:7-7-01, 1307:7-7-02, 1307:7-7-03, 1307:7-7-05, 1307:7-7-07, 1307:7-7-09, 1307:7-7-10, 1307:7-7-11, 1307:7-7-23, 1307:7-7-27, 1307:7-7-32, 1307:7-7-50, 1307:7-7-56, 1307:7-7-57, 1307:7-7-60, 1307:7-7-61, 1307:7-7-62 (Package #184396), dated October 18, 2018.
7. Electronic Rule Filing System confirmation of Revise File of New Rule 1307:7-7-56 (Package #184396), dated November 5, 2018.
8. Public Notice of Proposed Changes to the Ohio Fire Code and SFM Rules, time stamped

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October 18, 2018 (setting public hearing for Monday, November 19, 2018).

9. Letter of Support from Joe Rosato, Director of Government Affairs – Ohio Restaurant Association, dated July 3, 2018 (regarding OFC Section 320, Mobile food units).
10. Letter of Support from Craig Voelkert, Chair, Government Relations Committee – Fire Equipment Manufacturers’ Association, dated August 6, 2018 (regarding OFC section 906.1, Where required (portable fire extinguishers)).

Chief Smith also provided testimony regarding the SFM’s rule update process and the efforts made to engage stakeholders throughout the process. He testified:

The majority of changes proposed in the new rule package are non-substantive in nature and/or correct filing errors that occurred during the recent update of the Ohio Fire Code (OFC) in its entirety (effective December 15, 2017). In addition, some changes are being made pursuant to recent errata updates to the International Fire Code (upon which the OFC is based) and to the Ohio Building Code (OBC). Two substantive changes being made – regarding portable fire extinguishers (rule 9) and mobile food units (Rule 3) – are the direct result of stakeholder input.

OFC section 906.1, Where required (Portable fire extinguishers) – The SFM was approached by representatives from FEMA with proposed changes to portable fire extinguisher placement requirements when the SFM was in the final stages of the 2017 OFC update. Because extinguisher placement implicates both the OFC and the OBC, FEMA, the SFM and representatives of the Ohio Board of Building Standards (BBS) met to discuss and coordinate language regarding the proposed change. FEMA formally submitted the proposed change to BBS for inclusion in the OBC. After the change was adopted for inclusion in the OBC, FEMA formally submitted language to the SFM for inclusion in the OFC. That language is reflected in the current changes proposed to OFC section 906.1.

OFC section 320, Mobile food units – After the 2017 OFC became effective, the SFM was approached by several entities regarding mobile food unit rules, which were new to the 2017 OFC. Various entities proposed changes to the rules including unit operators and related associations, restaurant and hotel industry representatives, and members of the fire service. Most of the proposed changes were incorporated into a draft section 320 and were circulated to key stakeholders. Additional changes were suggested and thereafter incorporated into the rule. A new revised draft was then circulated to key stakeholders and industry groups. No additional changes were proposed. The changes currently proposed to OFC section 320 reflect those coordinated changes.

The SFM submitted the current rule package to the Common Sense Initiative office on September 8, 2018. E-mail notification of the submission was provided to stakeholders by the SFM on that same date. The SFM’s website was also updated to announce the submission and to provide red-lined versions of the rule changes being proposed. The rules were opened for

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comment from September 8 through September 27, 2018. One comment was received during this time and proposed both inspection and permitting requirements for mobile food units. Due to the more substantive nature of the proposed changes and the relative lateness in the rule adoption process, the amendments were not incorporated into the current new rule package. Rather, it was determined that such changes would be more appropriately vetted during the course of a full rule update when the maximum number of stakeholders would be engaged in the process and would have ample opportunity to consider the proposal and comment on it.

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### **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.

Not applicable; no comments or proposed changes were received during the hearing process.