MEMORANDUM

TO: Regina Hanshaw, Ohio Board of Building Standards

FROM: Meredith Rockwell, Regulatory Policy Advocate

DATE: October 31, 2012

RE: **CSI Review – Building, mechanical, and plumbing code changes (OAC 4101:1-1-01, 4101:1-4-01, 4101:1-9-01, 4101:1-10-01, 4101:1-11-01, 4101:1-30-01, 4101:1-31-01, 4101:1-35-01, 4101:2-4-01, 4101:2-5-01, 4101:2-15-01, and 4101:3-13-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of 12 amended rules, which update various portions of the Ohio Building Code, Ohio Mechanical Code, and Ohio Plumbing Code. The changes were made for several reasons: to coordinate with the Departments of Aging and Health, to coordinate with the changes made to the model code for boilers and pressure valves, and to coordinate with model code changes for plumbing. Generally, the purpose in adopting all of these codes is to ensure buildings in Ohio are safe and sanitary for their intended use and occupancy.

The Ohio Board of Building Standards was responsive to stakeholders and addressed all of the concerns that arose during the drafting of these rules. During the CSI public comment period two comments were received. First, there was a concern with a provision relating to cooking facilities. According to the City of Mason and the Washington Township Fire Department, the model code

provision from which the language was based is still under debate. After speaking with the Board, any changes relating to this provision will be delayed until such time as the model code provision discussion is settled. The Board anticipates this will happen prior to these rules being filed with the Joint Committee on Agency Rule Review.

The City of Mason also raised an issue with the jurisdiction over amusement rides, and questioned whether additional amusement ride provisions should be adopted into the Building Code. The Board, in a conversation with CSI Office, has stated these particular provisions deal with accessibility and loading and unloading for rides and will not conflict with the jurisdiction of the Department of Agriculture over the rides.

Finally, the Board has stated in the BIA that the changes to the rules in this package will not result in increased costs for the regulated communities. There may be incidental costs incurred by the update alone – such as purchasing update pages for code books – but these should not be substantial.

Recommendations

For the reasons stated above, the CSI Office has no recommendations for this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.

cc: Matt Close, Ohio Department of Commerce