

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio Department of Commerce, Division of State Fire Marshal

Regulation/Package Title: 2017 Ohio Fire Code

Rule Number(s): Rescind all rules in OAC 1301:7-7; adopt new rules 1301:7-7-01 through and including 1301:7-7-80

Date: August 9, 2017

**Rule Type:**

☒ New

☐ Amended

☒ 5-Year Review

☒ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

OAC 1301:7-7 constitutes the Ohio Fire Code (OFC), which addresses matters of fire safety for all premises and structures in Ohio. The Ohio Department of Commerce, Division of State Fire Marshal (SFM) has been in the process of updating the OFC to bring the regulations in line with emerging and ever evolving national standards, as well as to coordinate the regulations with changes made in Ohio law and to the Ohio Building Code (OBC).

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The overall content of the rules and topics addressed therein have not been changed. However, as a part of 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. Non-substantive editorial changes have been made throughout the rules to reflect the new references. Previously, the OFC contained 47 rules, with rule 47 being ‘referenced standards.’ The new format contains 80 rules. The number of substantive rules, however, has generally not changed (except for now Rule 39); there are large blocks of rule numbers that the ICC has reserved for future use. An overview of changes from the prior version of the OFC to the revised draft of the 2017 OFC submitted here are as follows:

1301:7-7-01 provides scoping and applicability provisions for the OFC. The rule outlines permitting authority, inspection authority, and enforcement authority and procedures; the rule also contains hotel and SRO facility licensing requirements and procedures; finally, the rule contains special provisions regarding loan and grant applications, administrative hearing procedures, Type-A and B daycare homes, and fire department recognition awards. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Edits were made to the rule to clarify when the code does and does not apply (101 and 102, generally). Language was also added to clarify the effect of building code occupancy approvals on the construction and design provisions of the OFC and the effect of State Board of Building Appeals (BBA) variances and orders affecting matters of life safety (102.3.4). Language regarding the applicability of referenced standards, the application of other laws, and resolution of conflicting provisions was clarified and reorganized (102.7; 102.8; 102.9). Clarifying language was added regarding the application of the OFC throughout the state, the authority of local jurisdictions to enact a local fire code, the effect of those local fire codes, and liability regarding enforcement of the OFC (103.1-103.5). Language was added to clarify that the SFM is the final decision maker regarding matters of interpreting the OFC (104.1). Provision were added to better coordinate and limit the enforcement of the OFC’s construction and design provisions for matters also subject to the OBC (104.2.2-104.2.2.2). Right of entry and warrant authority provisions were clarified (104.3-104.3.1). Maintenance of fire records and reporting requirements regarding fires were enhanced (104.6.3-104.6.3.1). Language regarding BBA variance authority and applicability was added (104.8.4). Approval language for the use of alternative materials and methods was edited (104.8.4). The potential criminal nature of fire investigations has been clarified (104.10). The definition of major fire and reporting requirements for such have been modified (104.10.2; 104.10.3). Fire official evacuation authority at an emergency has been clarified (101.11.4). Permit language has been modified extensively to clarify when permits are required and what procedures must be followed (105.1.1); some previously required permits were eliminated or limited in application (for example, permits were eliminated for residential heating oil tanks under 1,100 gallons and LP-gas containers under 500 pounds servicing R-3 occupancies, 105.1.1.1.2); a required annual permit for the storage, use, manufacture, processing or handling of ammonium nitrate was added (105.1.1.1.7); discretionary operational permits were added for beverage dispensing applications using more than 100 pounds of carbon dioxide (105.6.4) and for motor fuel-dispensing facilities (105.6.31); discretionary construction permits were added for emergency

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responder radio coverage systems (105.7.5) gates or barricades crossing fire apparatus access roads (105.7.9), smoke control or smoke exhaust systems (105.7.14), and solar photovoltaic power systems (105.7.15). Inspection, testing and maintenance record keeping requirements were clarified (107.3). Overcrowding violations were clarified (107.6). Enforcement procedures and relative terminology was extensively reorganized to add clarity regarding enforcement authority and to better align OFC enforcement provisions with the R.C., including the bifurcation of orders for highly hazardous occupancies into construction related orders (distinct hazards) and occupancy limiting orders (serious hazards) (109 and 110, generally). Language was modified to limit entities that can perform research and reports to determine product acceptability (115.1-115.2). Extensive changes were made to provisions regarding hotel and SRO facility licensure (deadlines for licensure renewal were reiterated (118.1.1), reporting requirements for specified nuisance activity were added in keeping with the R.C. (118.1.2); guest register information was clarified (118.3.5); certificate of occupancy content requirements were clarified (118.7.2.2.2-118.7.2.4.1); deadlines for the reporting of transfer and information changes were added as was a fee for information received after the deadline (118.7.2.5; 118.7.4.4); deadlines for the submission of renewal applications and a grace period were set, adding an additional fee for applications that are late, but still received during the grace period (118.7.4.2); prior 10% late fees – which were nominal and did not deter late applications – were eliminated; applications received after the deadline and grace period will be treated as new, meaning fees for original applications will be applied; a nominal duplicate license fee (\$10) was added (118.7.4.7); procedures for the removal or transfer of a licensed premises were modified (118.7.5.2-118.7.5.3); publication requirements for Operation Safe Stay hotels were modified (118.8.6). Provisions regarding award recipients for fire department grants were modified to include private fire companies (120.3). Language was added to authorize joint applications for grants (120.4). MARCS grant language was modified (120.6.1.1). Special provisions were added to address OFC applicability to Type-A and B daycare facilities and to provide for a fire department registry and heroism awards (121.1-121.5). Hearing procedures were modified to clearly state that hearing officers do not have authority to rule on motions for a change of venue and to recognize ministerial acts as being exempt from many hearing requirements (121.1.3; 122.6.4). Section 123, regarding material assistance/non-assistance to terrorist organizations was deleted.

1301:7-7-02: This proposed rule sets forth definitions for terms used throughout the OFC. Previously, numerous general definitions were contained in Rule 2, and additional terms relating primarily to a particular topic were contained at the front of the relevant rule. All definitions (with only a few exceptions) have now been moved to Rule 2. In keeping with national standards and/or coordination with the OBC, some definitions were modified as well.

1301:7-7-03: This proposed rule governs the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire and general requirements for fire safety. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Language was added to clarify applicability of specific provisions to asphalt shingle recycling facilities (304.1.1). Open burning regulations were modified to provide for SFM authority to issue geographic and statewide bans on burning when warranted (307.1.1; 307.1.2). Extinguishment authority regarding open burning was also modified (307.3). Fire pit distance requirements were added (307.4.2.1). Sky lantern prohibitions were

added (308.1.6.3). An exception to ‘No smoking’ signage requirements was added for I-2 occupancies (310.3). Pointer language was added regarding R.C. specific boarding requirements for properties subject to expedited foreclosure actions (311.2.1.1). Regulations for unoccupied tenant spaces in mall buildings were added (311.6). Vehicle impact protection provisions were modified (312.3). Requirements for storage underneath high-voltage transmission lines and in plenums were added (315.5-315.6). Roof obstruction language was modified (316.4). Language was added to address rooftop gardens and landscaped roofs (317.7-317.5). Section 320 was added to provide basic fire safety for mobile food units.

1301:7-7-04: This proposed rule governs the reporting of emergencies, coordination with emergency response forces, emergency plans, and procedures for managing or responding to emergencies. Non-substantive edits and clarifications were made throughout the rule. Definitions were moved to Rule 2, but a definition of smoke detector was added here for use specifically in this rule (402.1). Emergency preparedness requirements were amended regarding crowd managers, public safety plans, fire watch personnel, general requirements, fire safety plans and their content, fire evacuation plans and their content, and training requirements (403, generally). Fire apparatus access language was added (403.12.4). Fire safety, evacuation and lockdown plan language was amended (401, generally). Emergency evacuation drill requirements were amended to conform to changes in applicable R.C. provisions (405, generally). Language regarding local inspection of schools for the purpose of determining compliance with drill requirements was extensively modified and authority clarified (405.1.3).

1301:7-7-05: This propose rule governs fire service features for buildings, structures and premises. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Fire apparatus access road provisions were amended to account for solar photovoltaic power generation facilities (503.1.1). Language was added to prohibit traffic calming devices unless approved (503.4.1). Premises identification language was modified (505.1). Language was added to address non-standardized fire service elevator keys (506.1.2). Language requiring unobstructed access to water supplies was added and proximity to hydrants was addressed (507.1.1; 507.5.1). Language was added requiring retention of test and required maintenance records (507.5.2). Command center provisions were modified (508, generally). Utility identification requirements were added (509.1.1). Access requirements were added (509.2). Emergency responder radio coverage provisions were edited (510, generally).

1301:7-7-06: This proposed rule sets forth requirements applying to the installation, operation and maintenance of fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevator recall, stationary storage battery systems and commercial kitchen equipment. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Quantity limits for fuel oil storage tanks were amended (603.3.3.1). Language was added to prohibit flue-fed incinerators in Group I-2 occupancies and incinerator inspection requirements were added (603.9.6; 603.9.7). Emergency and standby power system requirements were amended (604, generally). Provisions were added to address solar photovoltaic power systems (605.11). Language was added regarding mechanical refrigeration remote controls (606.9). Prior exception regarding refrigeration system emergency shutoffs was deleted (606.9.1).

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Language regarding discharge and termination of pressure relief and purge systems was amended (606.12). Standby power signage requirements were amended (607.3). Language was added regarding occupant evacuation elevator lobbies, water protection of hoistway enclosures, and standardized fire service elevator keys (607.5-607.8). Certain ventilation requirements regarding stationary storage battery systems was amended (608.6.1). Commercial kitchen hood and cooking oil storage language was amended (609 and 610, generally). Language was added regarding hyperbaric facilities (611, generally).

1301:7-7-07: This proposed rule specifies the requirements for fire and smoke protection features and governs maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. The scoping statement was modified (701.1). Opening protective language was modified (703.2).

1301:7-7-08: This proposed rule governs interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Acceptance criteria for interior finishes were amended (803.1.2.1). Wall and ceiling finish and textile wall and ceiling covering and testing protocol and vinyl wall and ceiling covering requirements were amended (803.3; 803.5.1; 803.6). Language regarding facings and veneers was amended (803.7). Language regarding new interior floor finishes was added. (804.3) Regulations regarding newly introduced mattresses were amended (805.3.2). Artificial vegetation provisions were amended (806.2). Decorative materials provisions and requirements for other furnishings were amended (807 and 808, generally).

1301:7-7-09: This proposed rules specifies where fire protection systems are required and sets forth the design, installation, inspection, operation, testing and maintenance requirements of all fire protection systems. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Required fire protection system language was amended to address systems where a modification has been made (901.4.1). Language was added regarding fire areas (901.4.3). Language was added regarding pump and riser room size (901.4.6). Language regarding individuals required to be present during acceptance testing was added (901.5). Inspection, testing and maintenance requirements were amended to include mechanical smoke exhaust systems and smoke and heat vents (901.6). Equipment removal and tampering language was amended (901.8). Language regarding termination of monitoring service was added (901.9). Automatic sprinkler system requirements were amended for various occupancies (903, generally). Alternative automatic fire-extinguishing system requirements were amended (certification required for those conducting maintenance; requirements to maintain records were added) (904, generally). Standpipe system provisions were amended regarding required installations (905.3), covered and open mall buildings (905.3.3), rooftop gardens and landscaped roofs (905.3.8), and location requirements (905.4). Portable fire extinguisher requirements were amended (906, generally). Fire alarm shop drawings provisions were amended. (907.1.2) Provisions specifying when fire alarm systems and smoke detection systems and smoke alarms are required in specified occupancies were amended (907, generally). Carbon dioxide system provisions were added (908.7). Smoke control system

provisions were amended (909, generally). Smoke and heat removal provisions were amended (910, generally). An exception to explosion venting in specified areas of Group H-5 occupancies was added (Table 911.1). Fire hose thread language was added to require compatible hose threads for standpipes and fire department hoses (912.3). Language was added regarding circuits supplying fire pumps (913.2.2). Testing and maintenance records requirements were added (913.5). Provisions regarding required fire protection based on use and occupancy were amended (914, generally). Provisions were added to required carbon monoxide detection in new buildings of specified occupancies and in specified locations (915, generally). Fire protection and firefighting equipment installer certification provisions were amended to define ‘company branch’ (916.3), to clarify qualifications for successful applications (916.5), to allow for third party testing (916.7), to clarify who may work on specific systems (916.10), to amend fees for certification (916.15; 916.20), to clarify ‘knowingly’ provisions (916.23), and to clarify the effect of a certificate denial (916.25; 916.26).

1301:7-7-10: This proposed rule controls the design, construction and arrangement of means of egress components required to provide safe and appropriate means of egress for building occupants from all portions of buildings. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Horizontal projection provisions were amended. (1003.3.3) Occupant load provisions were extensively amended (1004, generally). Means of egress sizing provisions were extensively amended (1005, generally). Number of exits and exit access doorway provisions were extensively amended (1006, generally). Exit and exit access doorway configuration provisions were extensively amended (1007, generally). Means of egress illumination provisions were amended (1008, generally). Accessible means of egress continuity provisions were amended (1009.2). Egress stairway provisions were amended (1009.3). Egress elevator provisions were amended (1009.4). Provisions regarding exterior areas for assisted rescue were amended (1009.7). Two-way communication provisions were amended (1009.8). Door, gate and turnstile provisions were extensively amended (1010, generally; including the amendment of door operation provisions to allow temporary door locking devices when used in accordance with law (1010.1.9; 1010.1.9.1; 1010.1.9.3; 1010.1.9.5)). Stairway provisions were amended (1011, generally). Group R-1 floor-level exit sign requirements were added (1013.2). Exit sign requirements were amended (1013.4). Language was added regarding power sources for exit sign illumination (1013.6.3). Handrail language was modified (1014, generally). Guard language was modified (1015, generally). Provisions regarding egress through intervening spaces was modified (1016.2). Exit access travel distance provisions were amended (1017, generally). Aisle provisions were modified (1018, generally). Exit access stairway and ramp language was amended (1019, generally). Corridor requirements were amended (1020, generally). Egress balcony location requirements were amended (1021.4). Interior exit stairway and ramp provisions were amended (1023, generally). Exit passageway provisions were amended (1024, generally). Exterior exit stairway and ramp provisions were amended (1027, generally). Exterior discharge provisions were amended (1028, generally). Assembly provisions were amended (1029, generally). Egress maintenance provisions were amended (1031, generally). Language regarding elevators, escalators, moving walkways, and elevator emergency operations was amended (1103.3-1103.3.2).

1301:7-7-11 (previously Rule 46): The provisions of this rule 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 building 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, 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).

1301:7-7-12 – 1301:7-7-19: These rules are reserved for future use.

1301:7-7-20 (previously Rule 11): This proposed rule sets forth fire safety regulations at airports, heliports, helistops and aircraft hangars. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. A reference to NFPA 410 was added for aircraft maintenance, repair, modification or construction not otherwise covered.

1301:7-7-21 (previously Rule 12): This proposed rule sets forth fire safety regulations at dry cleaning plants and governs their operation with respect to fire safety. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Spotting and pretreating provisions were amended (2106.2-2106.3). Automatic sprinkler system provisions were amended to eliminate sprinkler system requirements in certain instances (2108.2).

1301:7-7-22 (previously Rule 13): This proposed rule sets forth fire safety requirements for equipment, processes and operations involving dust explosion hazards. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-23 (previously Rule 22): This proposed rule sets forth fire safety regulations at automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities, service stations at bulk plants, aircraft motor-vehicle fuel-dispensing facilities and repair garages. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Language regarding emergency disconnect switches was modified. (2303.2) Quantity limits were eliminated for specified fixed dispensers at airport facilities (2304.3.7). Provisions setting forth required fire protection at unmanned, open to the public facilities were modified regarding airports and

compressed natural gas facilities (2304.3.11; 2304.3.11.1). Records maintenance language was added (2305.2.1). Warning sign requirements were amended (2305.6). Above ground storage tank requirements were amended (2306.2.2-2306.2.3). Compatibility provisions were amended (2306.8.2). Provisions regarding the location of dispensing operations and equipment were amended (2307.4). Additional requirements for LP-gas dispensers and equipment were amended (2307.5). LP-gas dispensing devices and equipment provisions were amended (2307.6). Public motor vehicle fueling provisions were amended (2307.7). Overfilling provisions were amended (2307.8). Provisions regarding rubbish containers were amended (2310.5.3). Repair garage provisions regarding vehicles fueled by lighter than air fuels were amended (2311.7). Gas detection system components provisions were added (2311.7.2.1.1). Language regarding defueling equipment required at vehicle maintenance and repair facilities was amended (2311.8).

1301:7-7-24 (previously Rule 15): This proposed rule governs operations and safety at locations where flammable finishes are applied and where specified floor surfacing or finishing operations are conducted. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Provisions regarding interlocks were amended (2404.6.1.2.1). Air velocity provisions were amended (2404.7.3).

1301:7-7-25 (previously Rule 16): This proposed rule sets forth safety regulations and standards for ripening processes where ethylene gas is introduced into a room to promote the ripening of fruits, vegetables and other crops. Non-substantive edits and clarifications were made throughout the rule. No substantive changes were made to the rule.

1301:7-7-26 (previously Rule 17): This proposed rule governs fumigation and insecticidal fogging operations within buildings, structures and spaces. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Electricity provisions were amended (2603.2.1). Provisions regarding electronic devices, duration, notification, warning signs and watch personnel were amended (2603.2.2-2603.3.3). Provisions were added regarding evacuation during fumigation and evacuation during insecticidal fogging operations (2603.3.4-2603.3.5). Sealing provisions were amended (2603.5). Language was added regarding maintenance of openings (2603.5.1).

1301:7-7-27 (previously Rule 18): This proposed rule sets forth fire safety regulations and equipment requirements for semiconductor fabrication facilities and comparable research and development areas classified as Group H-5 occupancies. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Combustible tool requirements were amended (2703.10.1.2). Penetrations requirements were amended (2703.14.2). Language regarding sub-atmospheric pressure gas systems was added (2703.16). Maximum quantities of HPM at a workstation were amended (Table 2705.2.2). Workstation construction provisions were amended (2705.2.3.1) Provisions regarding pyrophoric materials were amended (2705.2.3.4). Transportation and handling provisions were amended (2705.3).

1301:7-7-28 (previously Rule 19): This proposed rule sets forth fire safety regulations and equipment requirements for the storage, manufacturing and processing of solid biomass feedstock, timber, lumber, plywood, nonmetallic pallets, veneers and agro-industrial

byproducts. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Pile size provisions were amended (2808.3).

1301:7-7-29 (previously Rule 20): This proposed rule sets forth regulations for organic coating manufacturing processes other than processes manufacturing nonflammable or water-thinned coatings and operations applying coating materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-30 (previously Rule 21): This proposed rule governs the installation and operation of industrial ovens and furnaces. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-31 (previously Rule 24): This proposed rule sets forth fire safety regulations and equipment requirements for tents, temporary stage canopies and membrane structures. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Language regarding tents and membrane structures over one story was added (3103.9.1). Auxiliary power provisions were amended (3103.10.4). Language was added regarding temporary stage canopies (3105, generally).

1301:7-7-32 (previously Rule 23): This proposed rule sets forth fire safety regulations for high piled combustible storage. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. General fire protection and life safety requirements were amended (Table 3206.2). Automatic sprinkler requirements were amended (3206.4). Building access requirements were amended (3206.6). Dead-end aisle provisions were amended (3206.9.3). Flue space protection provisions were amended (3208.3.1).

1301:7-7-33 (previously Rule 14): This proposed rule prescribes minimum safeguards for structures in the course of construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations. Non-substantive edits and clarifications were made throughout the rule. Provisions regarding precautions against fire were amended (3304.2). Provisions regarding burning of combustible debris, rubbish and waste were added (3304.3). Fire watch provisions were amended (3304.5). Provisions regarding cleaning with flammable gas were amended (3306.2).

1301:7-7-34 (previously Rule 25): This proposed rule prescribes fire safety regulations for tire rebuilding plants, and tire storage and tire byproduct facilities. Non-substantive edits and clarifications were made throughout the rule. No substantive changes were made to the rule.

1301:7-7-35 (previously Rule 26): This proposed rule prescribes fire safety regulations for welding, cutting, open torches and other hot work operations and equipment. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Language was added regarding hot work on flammable and combustible liquid storage tanks to enhance basic safety precautions (3510, generally).

1301:7-7-36 (previously Rule 45): This proposed rule prescribes fire safety regulations for marina facilities. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Rubbish container requirements were amended (3603.4).

1301:7-7-37 (previously Rule 29): This proposed rule prescribes fire safety regulations for equipment, processes and operations involving combustible fibers. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Provisions regarding sources of ignition were amended (3703.7). Provisions regarding loose fiber storage were amended (3704, generally). Provisions regarding storage of more than 1,000 cubic feet were amended (3704.5).

1301:7-7-38: This rule is reserved for future use.

1301:7-7-39: This proposed rule prescribes fire safety regulations for plant processing and extraction facilities. These rules are based upon model code language from the 2018 International Fire Code. They set forth SFM inspection requirements for locations subject to R.C. section 3796 and SFM approval processes for equipment used at such locations.

1301:7-7-40 – 1301:7-7-49: These rules are reserved for future use.

1301:7-7-50 (previously Rule 27): This proposed rule prescribes general fire safety regulations for the prevention, control and mitigation of dangerous conditions related to the storage, dispensing, use and handling of hazardous materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Scoping provisions were modified (5001.1). Maximum allowable quantities per control area of hazardous materials posing a physical hazard were amended (Table 5003.1.1(1)). Maximum allowable quantities per control area of hazardous materials posing a health hazard were amended (Table 5003.1.1(2)). Exhaust enclosure ventilation requirements were amended (5003.8.5.2). Gas cabinet ventilation requirements were amended (5003.8.6.2). Storage plan requirements for Group M storage and display and Group S storage were amended (5003.11.3.10). Standby or emergency power exempt applications were modified (5004.7.1). Weather protection provisions were amended (5005.3.9). Provisions regarding quantities exceeding and not exceeding the maximum allowable quantity per control area were modified (5005.4.1-5005.4.2). Location provisions were amended (5005.4.3). Dispensing use and handling provisions were modified (5005.4.4).

1301:7-7-51 (previously Rule 28): This proposed rule prescribes fire safety regulations for the manufacturing, storage and display of aerosol products. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Container provisions were amended (5104.4). Plastic storage container provisions for inside storage were amended (5104.1-5104.1.1).

1301:7-7-52: This rule is reserved for future use.

1301:7-7-53 (previously Rule 30): This proposed rule prescribes fire safety regulations for the storage, use and handling of compressed gases in compressed gas containers, cylinders, tanks and systems. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Scoping provisions were amended (6301.1). Provisions regarding one-hour exterior rooms were amended (5306.2.1). Transfilling language was added (5306.4). Language was added regarding carbon dioxide systems used in beverage dispensing applications (5307, generally).

1301:7-7-54 (previously Rule 31): This proposed rule prescribes fire safety regulations for the storage and use of corrosive materials. Non-substantive edits and clarifications were made

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throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-55 (previously Rule 32): This proposed rule prescribes fire safety regulations for the storage, use and handling of cryogenic fluids. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Provisions regarding shutoffs between pressure relief devices and containers were amended (5503.2.6). Stationary container separation requirements were amplified (Table 5504.3.1.1).

1301:7-7-56 (previously Rule 33): This proposed rule prescribes fire safety regulations for the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, matters described in section 3743.80 of the Revised Code and small arms ammunition. It also addresses the possession, manufacture, storage, handling, sale and use of fireworks and the operation of flame effects. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Provisions regarding appropriate standards relating to the construction and operation of fireworks retail showrooms were clarified (5601.1.3). A permit exemption was added for law enforcement (5601.2). Permit restrictions were modified to add an exception to when restrictions could be imposed (5601.2.4). Financial responsibility provisions were amended to clarify previously existing requirements (5601.2.5). Provisions regarding black powder storage were added to account for storage in specified amounts (5606.4.1-5606.4.2). Continuing education requirements for fireworks manufacturers, wholesalers, and exhibitors were amended regarding those who serve as instructors (5612.3.1-5612.3.3.1). Fireworks sales provisions regarding categories and labeling were amended (5614.3). Fireworks license issuance, denial and revocation provisions were amended to also include license renewals (5615.5). License possession and display language was added; purchaser form language was deleted to conform to recent legislative changes (5625.1).

1301:7-7-57 (previously Rule 34): This proposed rule prescribes fire safety regulations for the prevention, control and mitigation of dangerous conditions related to the storage, use, dispensing, mixing and handling of flammable and combustible liquids. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Non-applicability provisions were enhanced (5701.2). Permit requirements were modified to exempt residential heating oil tanks under 1,100 gallons and certain engine mounted tanks under 500 gallons (5701.4). Class 1 electrical equipment location provisions were modified (Table 5703.1.1). Tank security provisions (fencing requirements) were amended (5704.1.2). Language regarding vent line flame arresters and pressure-vacuum vents was amended (5704.2.7.3.2). Emergency venting provisions were amended to provide for additional exceptions (5704.2.7.4). Provisions regarding above-ground tanks inside and outside buildings were modified (5704.2.9.5-5704.2.9.5). Provisions regarding alcohol-based hand rubs classified as Class I or II liquids were amended (5705.5).

1301:7-7-58 (previously Rule 35): This proposed rule prescribes fire safety regulations for the storage and use of flammable gases and flammable cryogenic fluids. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Scoping provisions were clarified (5801.1). Special limitations for indoor storage and use provisions were amended (5803.1.1). Corrosion protection maintenance and inspection records

provisions were added (5806.4.8.2). Metal hydride storage system provisions were amended (5807, generally). Hydrogen fuel gas room provisions were added (5808, generally).

1301:7-7-59 (previously Rule 36): This proposed rule prescribes fire safety regulations for the storage and use of flammable solids. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-60 (previously Rule 37): This proposed rule prescribes fire safety regulations for the storage and use of highly toxic and toxic materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Language was added regarding gas detection system components (6004.2.2.10.1).

1301:7-7-61 (previously Rule 38): This proposed rule prescribes fire safety regulations for the storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. A prohibition against roof installation was added (6104.3.1). Overfilling provisions were amended (6106.2). Container protection requirements were modified (6109.13). Requirements regarding LP-gas cylinder exchange for resale were added (6109.15).

1301:7-7-62 (previously Rule 39): This proposed rule prescribes fire safety regulations for the storage and use of organic peroxides. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Storage distance requirements were modified (6204.1.2). Standby power system provisions were modified (6204.1.11).

1301:7-7-63 (previously Rule 40): This proposed rule prescribes fire safety regulations for the storage and use of oxidizing materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. Class I oxidizer storage configuration language was modified (6303.2; Table 6303.2). Storage conditions were amended (6304.1.5, generally, and associated tables). Separation distance requirements for specified detached storage were amended (6304.1.8.1).

1301:7-7-64 (previously Rule 41): This proposed rule prescribes fire safety regulations for the storage and use of pyrophoric materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-65 (previously Rule 42): This proposed rule prescribes fire safety regulations for the storage and handling of plastic substances, materials or compounds with cellulose nitrate as a base, by whatever name known, in the form of blocks, sheets, tubes or fabricated shapes. Non-substantive edits and clarifications were made throughout the rule. No substantive changes were made to the rule.

1301:7-7-66 (previously Rule 43): This proposed rule prescribes fire safety regulations for the storage and use of unstable (reactive) materials. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-67 (previously Rule 44): This proposed rule prescribes fire safety regulations for the storage and use of water-reactive solids and liquids. Non-substantive edits and clarifications were made throughout the rule. All definitions were moved to Rule 2. No substantive changes were made to the rule.

1301:7-7-68 – 1301:7-7-79: These rules are reserved for future use.

1301:7-7-80 (previously Rule 47): This proposed rule lists the standards that are referenced in various provisions throughout of the OFC. The referenced standards have been updated in accordance with the adoption of the 2015 IFC and Ohio legislative directives, and pursuant to coordination efforts between the OFC and the OBC.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. §§ 3701.82(E), 3721.032, 3721.07(D), 3731.02(A) & (E), 3737.17(D), 3737.22(A), 3737.65(A), 3737.73(A) & (F), 3737.82, 3737.83(A)-(F), 3737.832(B), 3737.842(A), 3737.85, 3737.86, 3739.13, 3741.14(B), 3743.02(B), 3743.04(F) & (H), 3743.05, 3743.15(B), 3743.17(E), (I) & (K), 3743.18, 3743.25(A) & (B), 3743.40(F), 3743.53(A), (B) & (E), 3743.54(G), 3743.56, 3743.58, 3743.70 and 5104.04(A) & (B).

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

No.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The purpose of the OFC is to provide minimum standards for safeguarding life and property from fire and explosion in this state. Longstanding policy and legislative directives have dictated that the SFM enact a fire code to address matters of fire safety throughout the state. Pursuant to R.C. § 3737.82 the SFM shall adopt a state fire code consisting of “rules relating to all aspects of fire safety.” The rules must include rules relating to the movable contents of any building, or class of buildings, the transportation, storage, location, and use of flammable or explosive materials, the procedures to be employed by persons in the event of fire, the installation and location of fire protection equipment, and other similar matters. Further associated rule requirements are derived from R.C. §§ 3737.17(D), 3737.22(A),

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3737.65(A), 3737.73(A) & (F), 3737.82, 3737.83(A)-(F), 3737.832(B), 3737.842(A), 3737.85, 3737.86, 3701.82(E), 3721.032, 3721.07(D), 3739.13, 3741.14(B), and 5104.04(A) & (B). R.C. § 3737.83 also lists general topics that must be included in the OFC (for example, minimum standards of performance for fire protection equipment and fire-fighting equipment; minimum standards of training, qualification and certification for those engaged in the business of installing, testing, repairing, or maintaining fire protection equipment, minimum standards of flammability for consumer goods, minimum standards for fire prevention and fire safety in child day-care centers and in type A family day-care homes, minimum standards for fire prevention and safety in certain residential facilities, etc.).

Additionally, R.C. § 3731.02 requires the SFM to make rules establishing requirements for hotel licensure and inspection. R.C. §§ 3743.02(B), 3743.04(F) & (H), 3743.05, 3743.15(B), 3743.17(E), (I) & (K), 3743.18, 3743.25(A) & (B), 3743.40(F), 3743.53(A), (B) & (E), 3743.54(G), 3743.56, 3743.58, and 3743.70 state that the SFM shall adopt rules regarding the classification, manufacture, storage, sales, shipping, and exhibition of fireworks.

These provisions are being updated as a part of the 5-year rule review process. The update is necessary to bring the regulations in line with emerging and ever evolving national standards, as well as to coordinate the regulations with changes made in Ohio law and in the latest updates to the OBC.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

In addition to regulations regarding matters of fire safety, the OFC contains enforcement mechanisms. The promulgated rules can be enforced by local fire code officials and certified safety inspectors from local departments as well as the SFM's Code Enforcement Bureau. Inspections will determine compliance with the imposed regulations. Where deficiencies are found, citations and penalties can be imposed to ensure compliance will be attained.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The SFM maintains a list of stakeholders which contains individuals and entities that the SFM has identified as having an interest in the provisions of the OFC as well as any other interested party that has requested to be on the SMF stakeholder list. The SFM's stakeholder list includes individuals and entities from the petroleum and fuel and gas industries, the hotel

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industry, convenience store operators and grocer's associations, the fire service and building industry, planning commissions and associations, the fireworks industry, the healthcare industry, educational departments and associations, and numerous governmental agencies from the federal, state and local levels. All of these were included in the development of the rules.

The SFM began the OFC revision process in September 2015 by announcing to all stakeholders that the SFM was beginning the rule revision process. The SFM announced that it would begin the process by having an open meeting, in October 2015, for all interested parties to discuss the SFM's rule revision process. Announcements were sent out through e-mail and pertinent information was posted on the SFM's website. All interested parties were encouraged to submit "Petitions" for revisions to the OFC. Petitions were formally accepted from October 6 to December 4, 2015 (although some petitions were still received after this date). The SFM received 74 petitions from external sources. Each Petition was duly considered by the SFM. On June 13, 2017, the SFM published a "Report on Petitions" (ROP) which catalogued and outlined all of the external petitions, as well as 41 internally generated SFM Petitions. The ROP sets forth all proposed changes, specifies the action taken on the Petition (i.e., whether it was approved, modified, disapproved, withdrawn, or merely editorial), and provides a justification or rationale for each action taken. In conjunction with the ROP, the SFM also published a Draft 2017 Ohio Fire Code, which is a redlined version of the proposed OFC with all editing mark-ups. At that same time, the SFM opened a "Comment Period" during which any interested party could again submit changes to the SFM, this time in the form of a 'comments' regarding any proposed revision to the OFC. Notification regarding the publication of the ROP, the Draft 2017 OFC and the 'call for comments' was again sent to all SFM stakeholders via e-mail; information was also posted on the SFM website.

Comments were received from June 13, 2017 through July 21, 2017. After stakeholders had the opportunity to review all of the OFC changes in the context of the OFC together with the inclusion of all language generated by Petitions, stakeholders submitted only 25 comments regarding the draft 2017 OFC. In addition, during this 'comment period' the SFM held targeted meetings with major stakeholder groups including July 18<sup>th</sup> meetings with hotel industry stakeholders and fire protection installer stakeholders, a July 19<sup>th</sup> meeting for fireworks industry stakeholders, a July 20<sup>th</sup> meeting with petroleum industry stakeholders, and a July 21<sup>st</sup> meeting with fire and building code officials. In addition, SFM staff met with counterparts of the Ohio Board of Building Standards on July 20<sup>th</sup>, to address all outstanding necessary coordination efforts between the Ohio Building Code and the Ohio Fire Code. These meetings were held at the SFM offices in Reynoldsburg, Ohio and resulted in 5 internal SFM 'comments' to address additional issues raised in the stakeholder meetings.

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**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Stakeholder input may be received at any time. However, during an active code update cycle, input is formally received from stakeholders during the Petition Period and then again during the Comment Period, which occurs after a draft of the complete rules is published for stakeholders to review. In addition to the submission of petitions and comments, meetings with various stakeholder groups are held throughout the update process.

When beginning the OFC update process, the SFM begins with the incorporation of the most recent version of the International Fire Code (IFC). The IFC serves as a baseline starting point for the OFC. However, “Ohio-izations” are made and carried forward based on previous policy decisions, prior coordinated work with the Ohio Board of Building Standards, and prior incorporations based on stakeholder input. The current update to the OFC is based on the 2015 version of the IFC. The SFM then processes all Petitions and incorporates any changes into the baseline code. During the current revision cycle, the SFM received 74 external petitions (from stakeholders) and submitted another 41 internal petitions (which are submitted and published like external petitions). After the IFC incorporation and the processing of the Petitions, a Report on Petitions (ROP) was published with a draft of the proposed new rules. Comments were then received from any interested stakeholder. After the publication of the ROP and draft 2017 OFC, the SFM received only 25 external comments from stakeholders. Those comments were then processed and additional changes were made to the draft rules. Further changes were made based on input received at the meetings held for targeted stakeholder groups. The SFM then published a “Report on Comments” (ROC) and a revise draft 2017 OFC. For a complete, detailed list of all stakeholder input received and the action taken with regard to each submission (whether during the Petition or the Comment Period), please see the ROP and the ROC (submitted in conjunction with the instant BIA). An abbreviated accounting of the submissions, however, is as follows:

Numerous Petitions sought inclusion of regulations and criteria based on revisions to the IFC. These Petitions, which were generally incorporated into the OFC through the adoption and incorporation of the 2015 IFC in Petition 1, included the following:

- Petition 4, regarding cleaning standards for grease accumulation.
- Petitions 20, 21 and 23, regarding the linear distance between adjacent access doors.
- Petition 55, regarding emergency responder radio coverage.
- Petitions 56 and 57, regarding the application of construction codes to existing buildings; however, amendments were made to the national standards to limit their applicability only to situations where a distinct hazard exists. To otherwise require compliance with all standards on all buildings would be burdensome and would require updates to otherwise safe facilities every time code updates were made. Pursuant to

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longstanding practice in Ohio derived from decades of judicially recognized safety code application doctrines and in keeping with the application of the Ohio Building Code, the OFC has consistently limited the retroactive application of construction requirement to limit the imposition of later enacted standards on buildings while still permitting the application of all provisions when necessary to achieve safety.

- Petition 60, regarding national standards for carbon dioxide systems used in beverage dispensing applications.
- Petition 62, regarding standards for solar photovoltaic power systems.
- Petition 67, regarding the identification of the location(s) of automated defibrillator devices on floor plans
- Petition 68, regarding carbon dioxide systems.
- Petition 69, regarding carbon monoxide detection devices.
- Petition 70, regarding the installation of Type 1 hood systems.
- Petition 75, regarding opening protectives.

Other proposed changes that were proposed and accepted for inclusion in the OFC, but were not a part of the underlying adoption of the national standards, are as follows:

- Petition 5, regarding unattended motor fuel-dispensing facilities at airports.
- Petition 13, regarding fire department reporting requirements.
- Petitions 14, 15, 16, and 17, regarding various fireworks regulations.
- Petition 18, regarding required fire protection at unattended, self-service compressed natural gas facilities.
- Petition 61, regarding emergency evacuation drills in schools. (These provisions were updated to conform to recent changes to the Ohio Revised Code.)
- Petitions 74 and 76, regarding exceptions to when fire protections systems are required, were partially approved in order to maintain consistency with the Ohio Building Code.
- Petition 80 (SFM), regarding carbon monoxide alarms.
- Petition 81 (SFM), regarding the final authority of the SFM regarding interpretations of the OFC.
- Petition 82 (SFM), regarding a change of venue for SFM hearings.
- Petition 83 (SFM), regarding the appropriate referenced standard regarding ammonium nitrate.
- Petition 84 (SFM), regarding pointer language to clarify applicability of certain OFC provisions to asphalt shingle recycling facilities. (See also Petition 65.)
- Petition 85 (SFM), imposing a required annual operational permit for the storage of ammonium nitrate.

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- Petition 86 (SFM), eliminating permits for residential heating oil tanks under 1,100 gallons.
- Petition 87 (SFM), revising regulations and fees regarding certification to install, test, services, and repair fire protection and fire-fighting equipment.
- Petition 88 (SFM), clarifying bonding/financial responsibility requirements for applicants seeking permits regarding the handling, use and storage of explosives.
- Petition 89 (SFM), regarding fencing requirements and the use of alternative materials for the securing of above ground storage tanks.
- Petition 90 (SFM), regarding regulations for mobile food units. (See also Petition 64.)
- Petition 91 (SFM), regarding acceptance tests.
- Petition 92 (SFM), regarding temporary door locking devices in schools.
- Petition 94 (SFM), clarifying current practice and R.C. requirements that no manufacturer or wholesaler of fireworks license can be renewed for an applicant convicted of a felony.
- Petition 95 (SFM), regarding the maintenance of unobstructed access for fire protection equipment.
- Petition 96 (SFM), regarding the licensing of hotel and SRO facilities.
- Petition 97 (SFM), regarding SFM authority to ban open burning under specified conditions.
- Petition 98 (SFM), regarding permitting exemptions for residential heating oil tanks and sub-base generator tanks.
- Petition 99 (SFM), defining ‘flame effect.’
- Petition 100 (SFM), eliminating mandatory permits from the SFM for LP-gas systems, standpipes, and tents on state owned property.
- Petition 101 (SFM), regarding fire apparatus access at fairs, carnivals, and amusement buildings.
- Petition 102 (SFM), establishing clearance distances for fire pits.
- Petition 103 (SFM), regarding required locations for emergency stops at exterior fuel dispensers.
- Petition 104 (SFM), permitting continuing education credit for fireworks wholesalers, manufacturers, and exhibitors who serve as instructors at approved courses.
- Petition 105 (SFM), regarding boarding requirements for residential properties subject to an expedited foreclosure pursuant to R.C. 2308.
- Petition 106 (SFM), amending and reorganizing OFC Rule 1 to match relevant case law, to streamline enforcement procedures, and to better organize the rule.
- Petition 107 (SFM), clarifying the scoping provisions of OFC Rule 1, and the applicability of the OFC.

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- Petition 108 (SFM), amending and reorganizing occupancy approval procedures in OFC Rule 1.
- Petition 109 (SFM), amending OFC Rule 1 language regarding the relationship between the OFC and local fire codes and to clarify the authority and liability of certified fire safety inspectors.
- Petition 110 (SFM), amending OFC Rule 1 to streamline construction processes regarding fire protection system installation.
- Petition 111 (SFM), amending OFC Rule 1 language regarding fire reports.
- Petition 112 (SFM), amending OFC Rule 1 to clarify fire investigations language and incorporate SFM policy and practice in to the OFC.
- Petition 113 (SFM), amending OFC language to clarify enforcement procedures and to reference necessary R.C. language.
- Petition 114 (SFM), creating a “special provisions” section to incorporate provisions regarding certain types of conditions and occupancies (Type-A and Type-B daycares) and to add language regarding a fire department registry and heroism awards.
- Petition 115 (SFM), clarifying the application of NFPA standards to fireworks retail showrooms. (The provisions added pursuant to this Petition were further amended to offer additional clarity subsequent to discussions with industry members at the July 19, 2017 meeting with fireworks industry stakeholders.
- Petition 116 (SFM), amending OFC provisions to conform to changes in Ohio law regarding fireworks, including purchaser forms, licensure, and other requirements.

The following proposed changes were not made.

- Petition 3, regarding warning signs in fuel dispensing areas, which was disapproved because it conflicts with national language.
- Petitions 6, 7, 8, 9, and 10 were denied because they contained matters beyond the scope of the OFC. The petitions were, however, forwarded to the SFM’s Bureau of Underground Storage Tank Regulations, which separately promulgates rules regarding matters contained in the petitions.
- Petitions 11 and 12, regarding fire apparatus and aerial apparatus access roads and dimensions, were disapproved as overly broad.
- Petitions 19 and 22, regarding required fire protection at unattended, self-service compressed natural gas facilities, due to the inclusion of other language regarding such facilities. (See Petition 18.)
- Petitions 24, 38 and 39, and Petition 28, regarding the establishment of a certification program for those who install, modify, abandon or remove above-ground storage tanks, and regarding education credits for fire protection and firefighting equipment installers, respectively; these petitions were denied due to the magnitude of such programs and

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the determination by the SFM that such regulatory schemes should only be instituted upon direction from the General Assembly.

- Petition 25, regarding sprinkler requirements in fireworks manufacturing, storage, processing and sales facilities accessible by the public, which was disapproved as the proposed changes are beyond the scope of the OFC and more appropriately addressed with the Ohio Board of Building Standards.
- Petition 40, regarding the types of testing allowable for above ground storage tanks prior to being placed in service, which was disapproved because it was not supported by enough data to demonstrate that alternate types of testing are appropriate.
- Petition 41, regarding the provision of spill containers smaller than 5 gallons, which was disapproved because it would be a deviation from the national requirements and its efficacy was not demonstrated.
- Petitions 42, 43, 44, and 45, regarding the incorporation of the 2016 version of NFPA 407, PEI RP-1300, UL-142, and UL-2085, were denied because their inclusion would be a deviation from the national standards and/or were not standards utilized in the OFC. (However, other references regarding these standards were changed in accordance with national standards.)
- Petitions 46, 47, 48, 49, 50, 51, 52, 53, and 54, generally concern various matters regarding the interrelation and interaction of fire and building officials during the construction process and the competency of such officials, or when they must act or what equipment must be approved. The proposed changes were denied because they were overly broad, subjective, or proposed changes beyond the scope of the OFC.
- Petition 58, regarding automatic sprinkler requirements in Group E occupancies, was not approved to maintain prior coordination with the Ohio Building Code.
- Petition 59, regarding the use of open flame cooking devices, was not approved because no evidence was submitted to support the necessity of a change to the previously Ohio-ized language (which was previously included in the OFC subject to the Petition process).
- Petition 63, regarding the addition of NFPA 96 to the OFC referenced standards, was disapproved because the standard was not proposed in the body of the code as the standard for any specific code requirements.
- Petition 64, regarding the imposition of new standards for mobile food trucks, was disapproved because it was overly broad and contained many provisions beyond the scope and authority of the OFC. However, other provisions were added to the OFC to address this new and emerging industry. SFM stakeholders expressed their appreciation for and satisfaction with the regulations that were added. (See Petition 90.) In addition, after the publication of the first draft of the 2017 OFC, Stakeholder comments were received regarding the proposed regulations, many of which were also incorporated into the OFC. See Comments C, F and V.)

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- Petition 65, regarding asphalt shingle recycling facilities, were disapproved as overly broad and unnecessary. The SFM determined that other OFC provisions already adequately addressed many of the issues presented in the Petition. However, pointer language and direct references were added to ensure that the applicability of certain provisions to these facilities would be understood. (See Petition 84.)
- Petition 66, regarding equipment listed on fire safety and evacuation plans, was disapproved as unnecessary. However, see also Petition 67.
- Petitions 71 and 73, regarding inspection records, was disapproved because the intent of the provision is accomplished with the inclusion of other language incorporated into the OFC via the adoption and incorporation of the IFC.
- Petition 72 and 77, regarding the inclusion of an additional certification category for rolling fire door installers, were initially disapproved because the SFM did not have enough information regarding the availability of such programs or the necessity for them. During the Comment Period, the SFM received additional information on this topic and was asked to reconsider the disapproval of the Petition. (See Comment Z; the SFM also heard input from industry members at its July 21 stakeholder meeting with fire and building officials.) Although the SFM better understands the focus of the Petition and the potential for safety measures already contained in the OFC, the SFM has become aware that national standards are being developed. The SFM determined that it would be better to wait until the national standards are developed and incorporate necessary standards through and interim code update.
- Petition 78, regarding regulations for upholstered furniture and mattresses in E occupancies, was disapproved because the necessity of such regulations was not substantiated.
- Petition 93, regarding minimum dimensions for attic access, was denied because such is more appropriately addressed in the Ohio Building Code.

In addition, the SFM received several petitions from the Ohio Board of Building Standards (BBS). Some of the changes proposed the inclusion of terminology not used in the OFC or requirements not necessary in the OFC and were not included. However, many of the proposed changes were approved and included. The BBS and the SFM have historically made every effort to coordinate the OFC and the Ohio Building Code and have done so during this code revision cycle as well. Nonetheless, the SFM and BBS are continuing to work together to harmonize overlapping language in the two codes to ensure there is no confusion in the application of each code. The SFM and BBS have met several times throughout the updates of both codes, including during the SFM's Petition and Comment Periods. For a detailed list of input from BBS to the SFM, please see Petitions 29, 30, 31, 32, 33, 34, and 35, and Comment BB.

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Subsequent to input received during the comment period, the SFM also made additional changes to the rules regarding food trucks (see Comments C and F; see also Comment V), to fireworks exhibitors testing provisions and other fireworks related matters (see Comments E and AA), to the definition of ‘home’ (see Comment G), to mobile fuel-dispensing facilities (see Comments J, K, L, M, and S), to boarding procedures (see Comment W), to hotel licensing requirements (see Comment Y), to ministerial acts (see Comment CC), to processing and extraction facilities (see Comment DD), and to various matters pursuant to further coordination with the Board of Building Standards (see Comment BB).

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Many of the changes incorporated into the new OFC are based on changes made at the national level. Like the BBS, the SFM relies on the expertise of the International Code Council (ICC) which promulgates the IFC, the 2015 version of which served as a baseline for the proposed rules. The ICC updates the IFC (and its other national standards) every three years through a petitioning, public hearing, and membership voting process. Proposals and submissions on the national level are routinely substantiated with argument and scientific data when appropriate. The submissions are open for public comment by all industry leaders and interested parties. Reports are published on all submissions and their supporting documentation. Further review and comments are made prior to voting and adoption.

After the ICC publishes the IFC, the SFM’s internal work group reviews the changes. As the changes are made on a national level and are available for all interested parties, they are also often reviewed by SFM stakeholders as well. The SFM incorporates relevant portions of the IFC (excluding or amending portions when necessary to conform to Ohio law, to continue previously coordinated work with the BBS, or to carry forward provisions previously amended subsequent to stakeholder input). The last major revision of the OFC occurred in 2011 and utilized the 2009 IFC. The instant revision uses the 2015 IFC as a baseline, and picks up revisions made at the national level in their 2012 update as well. The SFM also spent much time regarding technical or substantial revisions (like new rules for mobile food units) reviewing pending national regulations and the regulations of other states, and discussing provisions with industry members.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives?**

The SFM is charged with the duty of promulgating an Ohio fire code. In order to accomplish this directive, the SFM can either write the entire code internally or look to national

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and international standards as a baseline. The SFM, as stated above, has opted to use the IFC as a baseline. Other recognized standards that the SFM could have used are NFPA 101 and/or NFPA 5000 (promulgated by the National Fire Protection Association). The SFM did not institute these standards as its baseline due in large part to the significant costs of implementation involved with them. Also, the BBS uses the International Building Code as a baseline for the OBC. Using the companion IFC as a baseline for the OFC helps maintain uniformity between the two codes and maintains an efficiency of training, enforcement, and future code development.

Regarding specific topics and regulations that were proposed and considered in this update, please see question 9. Also, please see the ROP and ROC for specifics on other regulations that were proposed for consideration and the rationale regarding why the SFM either modified the proposed regulations or excluded them from the rules. Finally, for specific extensive regulations that were proposed in certain areas, please see specifically Petitions 24 and 28, regarding proposed certification programs for certain industries; Petitions 64 and 90, regarding mobile food trucks, and Petitions 65 and 84, regarding asphalt shingle recycling facilities.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

No. Regarding general matters contained in the OFC, performance based regulations are not feasible due to the nature of materials covered, i.e., the manufacturing, processing and storing explosives and hazardous materials, or the installing, servicing and testing a fire protection systems. With regard to construction related safety measures covered in the OFC, performance based guidelines from the building code would apply. As stated by the BBS in their most recent submissions regarding the update of the OBC:

The rules [OBC] permit a registered design professional's alternative engineered design to be a compliance alternative method to prescriptive requirements of the code. Section 106.5 of the OBC permits a registered design professional to submit sufficient technical data to substantiate that performance of the proposed alternative engineered design meets the intent of the code. Additionally, section 107.4.3 provides that when construction documents have been prepared by an Ohio registered design professional conforming to the requirements of the rules of the Board pertaining to design loads, stresses, strength, and stability and other requirements involving technical analysis, the documents need only be examined to the extent necessary to determine conformity with other requirements of the rules of the Board.

Language has been added to the OFC to state that when fire code officials have an opportunity to engage in the plans review process during construction of a facility, any modification or alternately approved design provision will be deemed in conformance with like provisions contained in the OFC. Finally, the OFC contains provisions for the approval of ‘alternative’ products and processes where warranted. When warranted the local fire code official, with some measure of discretion, when enforcing the OFC, has the flexibility to implement alternative process approvals so long as such officials work with the SFM to ensure statewide uniformity in application of such processes to others that may benefit.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The SFM has exclusive authority to promulgate the Ohio Fire Code and regulations regarding minimum standards of fire safety throughout the state. The SFM also has exclusive licensing authority, which includes the ability to promulgate rules regarding hotel licensure and sanitary standards and regulations regarding the manufacture, sale, possession, exhibition, and shipping of fireworks. The SFM has not promulgated any other provisions regarding these matters.

In addition, to the extent rules contained in the OFC and OBC overlap, the SFM and BBS make every effort to ensure that relevant construction provisions contained in the two codes work in tandem. The OBC primarily focuses on rules regarding the safe construction of a building for its intended purpose, while the OFC primarily addresses how the building will be safely operated once it is occupied. Of course, some safety measures (like the installation of a fire protection system) must be addressed at the design and construction phase. Therefore, the SFM and BBS diligently work to coordinate the two codes.

**13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The 2017 Ohio Fire Code will be published in book format and made available to the general public in the early part of 2018. However, the anticipated effective date for the 2017 OFC is mid-December 2017. Upon its approval from CSI and JCARR and subsequent to its final filing, the final version of the 2017 OFC will be on the SFM’s website for viewing.

In early 2018, the SFM will host regional meetings at various locations throughout the state to offer tutorials and informational sessions regarding the significant changes to the code. The training sessions will include both general sessions for all interested parties and focused sessions for larger stakeholder groups affected by more significant changes. These meetings

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will include, among others, sessions with hotel industry members, fire protection equipment installers, petroleum industry members, and fire code officials. These meetings will be coordinated with leading industry groups.

The SFM also intends to publish a commentary and on-line training modules regarding significant changes made to the OFC for the use of generally interested parties, code enforcement officers, and for those seeking continuing education requirements. In addition, SFM staff will be available to provide clarification when necessary, to host other training sessions on an as requested or as needed basis for specific topics. Finally, the SFM often issues ‘guidance documents’ which clarify or amplify OFC provisions, offer interpretations of provisions, and/or provide guidance on the application or enforcement of certain provisions.

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

Although changes were made throughout the rules contained in the OFC, the vast majority are not anticipated to have a cost impact. Many of the proposed rule modifications merely restructure prior rules or clarify prior OFC or R.C. requirements. The basic provisions of the OFC account for industry wide standards that have been in place for many years; the bulk of the provisions are not changing. However, there have, of course, been some amendments that are anticipated to have a cost impact. A breakdown by rule of all substantive changes that have been identified as having a cost impact is as follows:

#### **1301:7-7-01:**

Changes made to the scoping provisions and enforcement procedures will not have a cost impact. For example, the SFM’s inspection and permitting fees have not changed. These changes merely clarify already existing application and enforcement procedures. Record keeping requirements were amended to clarify retention times (107.3). However, the necessity to maintain installation, maintenance and test records are not new. There is no anticipated cost impact. Enforcement procedure language was merely reorganized and clarified to relay R.C. requirements (109 and 110, generally). Penalties and fines for non-compliance were not

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changed. Modifications to grant language is intended to benefit local communities by providing enhanced opportunities to receive grant funding for necessary emergency training and equipment (120.4; 120.6.1.1). Language in this rule that is anticipated to have a cost impact is as follows:

- Changes regarding the effect of building code occupancy approvals are designed to alleviate potential duplicative appeals, thereby providing a cost savings to regulated individuals (appellate fees are currently \$200) (102.3.4). The provisions clarify that if OBC provisions are appealed and the fire code official had an opportunity to be a part of that fire protection plan review process, the outcome of the OBC based appeal will determine the application of OFC provisions even if the OFC provisions were not also appealed. The necessity of an appeal regarding OFC provisions would be obviated.
- Some previously existing permits were eliminated, including those for LP-gas systems located on state property, standpipe systems located on state property, and for temporary membrane structures, tents and canopies (formerly 105.1.1.1.3 – 105.1.1.1.5). Likewise, exemptions to aboveground storage tank (AST) permitting requirements were added for residential heating oil tanks under 1,100 gallons, for AST's used at construction sites on a temporary basis, and for certain engine mounted tanks connected to stationary pieces of equipment that are less than 500 gallons and meet certain other criteria generally related to security (105.1.1.1.2). The elimination of these previously required permits will have a cost saving impact for consumers of roughly \$75 to \$100 per permit. (Permitting fees vary, but generally fall within this range.) Associated inspection fees (generally around \$100) will also be saved by the consumer. Affected individuals will be homeowners throughout the state, state facilities, the construction industry, numerous facilities that operate engine mounted tanks for back-up generator fueling, such as nursing homes and small medical facilities, and any consumer using a larger tent or membrane structure.
- Language has been added to require an annual operational permit for the storage, use, manufacture, processing or handling of ammonium nitrate when the aggregate quantity of product is in excess of 5,000 pounds (105.1.1.1.7). However, if the subject facility is already required to obtain a permit under other provisions of the OFC a separate permit for the ammonium nitrate will not be required. Likewise, if the ammonium nitrate is otherwise regulated by the Department of Transportation, no permit will be required. It is estimated that there are approximately 10 facilities within the State of Ohio that will be affected by this permit requirement. The cost of the permit is estimated to be around \$75, plus inspections fees that will be around \$100. Currently, there are no permits in the state relative to ammonium nitrate. The new requirement will provide a mechanism to allow tracking of this highly volatile substance and proper safe handling and storage. After the explosion of a fertilizer plant in West, Texas, the necessity of tracking how this product is handled was brought to the forefront.

- A discretionary operational permit was added for carbon dioxide systems used for beverage dispensing applications using more than 100 pounds of carbon dioxide (105.6.4). The necessity for the permit and the costs therefore will be determined by the local fire code official. Authority to require such permits was added to the OFC subsequent to issues at such installations across the country resulting in carbon dioxide poisoning related incidents that can arise when equipment is not properly installed and maintained. A permitting process will provide local officials with the ability to ensure that equipment is being properly installed, used, and maintained. See also, Rule 9 analysis.
- A discretionary operational permit was added for motor fuel-dispensing facilities (105.6.31). The necessity for the permit and the costs therefore will be determined by the local fire code official. The permit was added to the OFC to allow local fire code officials to integrate permits for this hazardous activity into any other existing state fire code based permit programs they may have in their communities.
- Discretionary construction permits were added for the installation of and modification to emergency responder radio coverage systems (105.7.5), gates and barricades across fire apparatus access roads (105.7.9), LP-gas systems, Private fire hydrants, smoke control or smoke exhaust systems (105.7.14), and solar photovoltaic power systems (105.7.15). These permits were a part of the national model code update and generally have been instituted to allow fire code officials the opportunity to be involved in the installation of these systems so that any safety concerns can be discovered and addressed in a timely manner during construction rather than upon building completion or during an emergency event. Fees associated with the permits will be determined by the local fire code officials if they opt to implement a permitting program.
- Rules regarding hotel and SRO facility licensure fees were extensively amended. Initial licensure fees have not changed and range from \$2,000 to \$4,000 depending on the type of facility (118.7.4.1). Renewal fees have not changed and remain either \$110 or \$1 per room, whichever is greater (118.7.4.2). Previously, however, renewal applications could be submitted at any time and were subject only to a 10% late fee (or approximately \$10). This was not an effective deterrent to the submission of late applications and resulted in the operation of unlicensed facilities. Therefore, the SFM amended license renewal provisions to provide that any application received late (after December 31 – all hotel licenses expire on this date per R.C. sec. 3731.03) but prior to the expiration of a ‘grace period’ (the last day of February) will be assessed a \$300 reactivation fee in addition to the renewal fee (118.7.4.2). Applications received on or after March 1, will be treated as new and will have to pay appropriate fees for a new facility license (118.7.4.2). This will result in a potentially significant cost increase to licensees, but will only affect those licensees who do not comply with their licensure requirements (which are not changing). In the past, approximately 100 facilities (out of the 1,500 licensed hotels in Ohio) routinely failed to submit their renewal applications on time which resulted in their unlicensed operation and

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large departmental expenditures trying to obtain compliance. In the most recent licensure cycle, the SFM sent unresponsive applicants several ‘renewal reminder notices’ which did decrease the number of late applicants, but did not eliminate them. The number remained at approximately 35 late applicants. The prior \$10 late fee was not effective. Incidentally, license renewal applications trigger an inspection for compliance with OFC provisions as a part of the annual licensure process. Failure to engage in the renewal process often results in facilities not being inspected as required.

- Hotel and SRO license transfer fees have not changed (\$500) (118.7.4.4). However, like with licensure, deadlines for the submittal of transfer information have been established as well as a fee for late submittal (\$200 late fee in addition to the transfer fee) (118.7.2.5; 118.7.4.4). Out of the 1,500 licensed hotels, this fee will affect approximately 20 facilities annually who fail to submit their information as required.
- A \$10 duplicate license fee has been added to the OFC (118.7.4.7). This fee is nominal and is designed to cover administrative costs associated with producing and mailing a duplicate license to a facility that has lost or damaged their license, or in the case where the license has been sent to corporate offices based on the hotel’s request in their application rather than to the specific location. This is a common occurrence and the number of affected licensees cannot be readily determined.

The above hotel and SRO facility licensing fees and deadlines will not go into effect until the licensing year of 2019. These changes were discussed with hotel industry members and stakeholder groups during the Comment Period and received widespread support.

### **1301:7-7-03:**

Language added at section 320 is new language instituting basic fire safety measures for mobile food units. This is an emerging industry in Ohio and across the country. Unsafe operation has the potential to cause catastrophic results (i.e., fires or explosion resulting in property damage, and/or physical harm or death to operators, customers, and others). The SFM therefore determined that it was necessary to institute basic safety measures for these establishments. The national model code committees are in the process of developing rules for mobile food units but have not adopted any regulations at this time. The SFM did, however, have the opportunity to review a working draft of some of the rules being considered. The SFM determined that the inclusion of many of the provisions (as well as provisions submitted in the Petition process; see Petition 64) were overreaching and could be overly burdensome on mobile food unit operators. Therefore, the SFM limited the scope of the new rules to basic fire safety and mandated the safe installation of piping and gas systems (in conformance with already existing and applicable industry standards) and the installation of fire extinguishers and carbon monoxide detectors. The SFM did not require more costly suppression systems (which can cost several thousands of dollars) and did not require retroactive compliance of these major construction features. Depending on the size of the mobile food unit and the type

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of equipment contained therein, a cost increase per truck could include \$30 per carbon monoxide detector and \$20 per smoke alarm (or \$40 for a combination alarm), \$45 for a 2A:10B-C fire extinguisher or \$40-\$100 for a Class K extinguisher. Other changes in this rule are not anticipated to have a cost impact. Mobile food businesses are not permitted by the SFM; therefore the number of vendors this will affect cannot be readily determined.

**1301:7-7-09 - 1301:7-7-10:**

Provisions in these two rules address the overall design and construction of buildings and set forth required fire safety systems and features. The revisions herein generally do not impose new or different requirements, but rather amend previously existing requirements consistent with changes on the national level to the model codes and to the OBC. Little overall cost impact is anticipated due to the varied installations that can be utilized in structures. However, regarding significant changes, BBS identified the following changes as ones that may increase the cost of construction:

- Carbon monoxide alarms will be required in new buildings (see generally, section 915) and in certain locations of certain existing occupancies (Group I, R and E occupancies that have fuel fired appliances). The alarms will cost approximately \$30-\$40 per device. (See also sections 1101.1 and 1103.9)
- Separation of spaces under grandstands and bleachers (see section 1029.1.1.1) will be required, but quantifying a cost impact would depend on the size of the area and the amount of fire barrier materials needed. This number can vary greatly depending on configurations and materials used, which would be subjectively determined by the architect, engineer, and owner.
- Language has been added to the OFC regarding elevator hoistway pressurization measurements (909.21). These systems are not mandatory, but rather are delineated as an alternative to other systems. Therefore, any costs associated with the system would be analyzed at the design phase and could be avoided if other systems are more economically feasible.

Section 908.7 was added as a part of the adoption of the IFC to require carbon dioxide alarm systems in certain instances. These alarm systems are generally used throughout the affected industry to signal any system malfunction or when carbon dioxide may be being released into the atmosphere. However, the provisions now require such alarms. See Rule 53 for further analysis.

In addition, the SFM made specific amendments to provisions in Rule 9, regarding fire protection installers that will have a cost impact on industry members. Fire protection installers are required to be certified by the SFM for each type of work that they will perform (there are 10 certification categories including, fire pumps, portable fire extinguishers, fire alarm and detection equipment, etc.) (916.4). Certification is dependent upon successful completion of a test for each category of work that the individual wants to be certified to do (any one or all

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of the categories). There are currently 20,000 certified fire protection installers in this state that could potentially be impacted by the following:

- Provisions were added to the OFC to allow the SFM to administer certification tests through third party vendors. This will benefit certificate holders in that testing can be offered more frequently and at many more locations throughout the state at more convenient locations for test takers. However, third party vendors will impose additional testing fees that will have to be paid by the test taker. Testing costs can range from \$45 - \$65 per certification test.
- Fees for original individual certifications were \$50 and are being reduced to \$35 (916.15(a)); this will result in a \$15 cost savings for applicants upon their initial certification application.
- Individual annual renewal application fees are, and will remain, \$40 (916.15(b)). However, the previous grace period and late fee (10% of the renewal fee or \$4) will be eliminated. Applications submitted after the expiration date will be considered new applications and licensees will have to recertify (916.17). Therefore, late applicants will pay \$35 per certification category, rather than the prior \$4 late fee. This may impact over 700 individuals; however, the SFM will be diligent to communicate this change to industry members to help reduce this number. The prior 10% late fee was not a deterrent to late certification renewals, was not collectible, and resulted in unlicensed individuals conducting work throughout the state.
- In addition to individual certifications, companies must also be certified. Original company certification application fees are \$200; this fee is not changing (916.2). However, individuals operating as a company (sole proprietors) were not previously required to also pay the company fee (in addition to their individual certification fee). They will now have to do so. The fee, however, will be discounted to a fee of \$50 when the 'company' is an individual (916.20(a)).
- After the initial application, annual renewal fees are associated with company certification. Company renewal fees are, and will remain, \$150 (916.20(b)). Individuals operating as a company, however, did not previously also pay the annual company renewal fee (in addition to their individual certification renewal fee). They will now be required to pay a company renewal fee as well. The annual renewal fee for an individual operating as a company, however, will be discounted to a fee of \$25 (916.20(b)). There are currently 178 individuals operating as a business who will be affected by this fee change. The \$4,450 increase in SFM revenue will offset the cost of processing certification applications.
- Like with renewals for individuals, prior fees for late company renewal applications (also 10% of the renewal fee, or \$15) will be eliminated. Late applications will be treated as new applications and original application fees will apply (916.20(b)) . For the company, this will effectively result in a \$150 late fee (a \$135 increase). For the individual acting as a company this will effectively result in a late fee of \$25 (a \$25 increase, since they were

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not previously required to pay company fees). The late fees, however, will only affect those who do not submit their renewal applications in a timely manner. Currently, approximately 187 companies and 25 sole proprietors file their applications late. The changes in the fees for individual company applications are being instituted because the application information and the necessary processing for companies and for individuals acting as a company is the same. There is no justification for having no fee for sole proprietors, other than to economically aid smaller business owners. The SFM took this into account by instituting reduced fees for these individuals. There are currently 178 active sole proprietor licensees who could be affected by this change. They will now pay annual individual renewal fees of \$40 (like before) and annual company renewal fees of \$25, for an annual increase in fees of \$25. This will result in an estimated \$4,450 increase in SFM revenues annually which, again, will offset the costs of application processing.

- Company branch certificates will now also be required and will cost \$10; however, companies will not have to pay separate annual company branch certificate renewal fees (916.20(d)-916.20.1). Branch certification is necessary because company branches are becoming more prevalent for larger fire protection companies and it is imperative that the SFM be aware of the locations out of which certified individuals are operating. There are currently 131 certified company branches.

For further clarification on these fee changes for fire protection installers, please see Petition 87, in the ROP at page 74.

#### **1301:7-7-11:**

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. As stated above, the detectors should cost between \$30 and \$40 per device.

#### **1301:7-7-23:**

Generally, the cost impact of provisions modified in this rule will be a savings to mobile fuel-dispensing facility industry members. Changes regarding fixed dispensers at unattended

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airport motor fuel-dispensing facilities (2304.3.11) will allow airports to utilize cost saving technology without having to install costly fire suppression and detection systems. Current OFC provisions require unattended facilities that are open to the public to have such systems unless there is an attendant on duty. The new exception for airports will allow them to operate using automatic credit card readers, saving personnel time and costs, without the necessity of installing the detection and suppression equipment. Call boxes, in lieu of automatic detection manned at a monitored facility, will provide emergency response notification options at a much lower cost for the facility. The changes were made pursuant to discussions with municipal airport representatives.

Similarly, suppression requirements were amended for compressed natural gas (CNG) facilities. Market trends for this industry are moving toward fuel-dispensing locations that are not attended but open to the public. Again, current rules would require suppression for such facilities. The current rules were written for liquid fuels; CNG however, behaves differently and current suppression methods (which generally mean a suppression / deluge type system within a canopy structure) are not as effective for CNG product. The canopy/suppression systems can add several thousands of dollars to construction costs. After much input from the industry the SFM amended the requirements to eliminate the automatic suppression systems for unattended CNG facilities that meet specified conditions (2304.3.11.1). Industry members originally proposed several different options to address this issue and were ultimately extremely happy with the modified language now contained in the proposed rules. The change will result in substantial cost savings for affected facilities.

New national model code compatibility provisions were amended to allow for the modification of tanks under certain conditions. This will help industry members change products without costly tank replacement (2306.8.2).

Location separation distances for dispensing operations have been increased (2307.4). This will affect where dispensing operations can occur, and may have an initial impact when operations are designed and sites are planned; however, there will not be an overall large cost increase because separation distance requirements have always been in place. Likewise, changes to LP-gas dispensing devices and equipment (2307.6) will occur at the design phase and existing facilities will be exempt from these provisions under many circumstances.

Signage requirements for gasoline pumps were amended to conform with Ohio law (2305.6); this change may have a cost impact. The requirement for signage, and the general content thereof, is not new. However, in reviewing the relevant R.C. provisions (3741.14) it was noted that the proscriptive requirements of the statute were not adequately contained in the OFC. The language was amended to remedy this. Because the R.C. provisions are definitive on the content and layout of the signs, industry members that have signs already printed/posted will be affected by having to have signs replaced. The signs are not anticipated to cost any more or less than signs already required, but to the extent signs are already in place

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or in inventory, the provisions will have an impact. It is not possible to determine how many industry members may be affected by this change or how many signs are located throughout the state. However, to alleviate this burden, the new OFC provisions provide an exception for signs installed prior to July 1, 2018 that substantially comply with the signage requirements.

**1301:7-7-50:**

Although numerous provisions in this rule were modified no additional equipment requirements were added; they were merely clarified and more definitively stated. No cost impact from the new language is anticipated.

**1301:7-7-53:**

Language was added to the OFC to set forth installation and maintenance requirements for carbon dioxide systems used in certain beverage dispensing applications (5307, generally). The actual requirement for the systems will apply to new buildings and therefore their cost may generally factor into initial construction costs. However, the alarm systems and their associated equipment are already available and widely used in the industry due to prior safety issues. Therefore, an overall cost impact is not anticipated. Existing facilities that already have this equipment will have to maintain it pursuant to the regulations. These regulations will generally affect food service establishments.

**1301:7-7-56:**

Fireworks wholesalers, manufacturers, and exhibitors are required to have continuing education (CE). Some affected individuals serve as instructors for the courses they are also required to attend. Language was added to Rule 56 to allow those serving as an instructor to count their time spent instructing towards their required CE hours (5612.3.1-5612.3.3.1). This will save affected licensees both time and money in hours spent in the classroom setting as well as course fees (approximately \$75-\$100 per course).

**1301:7-7-57:**

As noted above (see Rule 1), permit requirements for residential heating oil tanks under 1,100 gallons and certain engine mounted tanks under 500 gallons were eliminated (5701.4). This will result in a cost savings to consumers in an amount estimated to be around \$75 to \$100 each, respectively.

Tank security provisions were amended to allow for the use of materials other than chain link fencing as was previously required (5704.1.2). This will allow consumers to choose materials that are more aesthetically pleasing with due consideration for any cost impact as their project dictates. In addition, previously required fences for certain engine mounted tanks were eliminated (5704.1.2) and will result in a cost savings for consumers.

In addition to the above, fire departments and fire code officials (and other related professionals involved in fields where fire protection systems are applicable such as architects,

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building officials, engineers) may have to obtain the updated rules when published and receive training or conduct independent study to become familiar with the code updates. On-line versions of the rules will be available. However, for individuals or entities who want to obtain hard copies of the rules, they will be available from the ICC for a cost of approximately \$75 to \$125, depending on membership status.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Please see response to question 14.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. The provisions of the Ohio Fire Code are applicable for all facilities on an equal basis to ensure the safest accommodations possible for all building occupants and guests.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Generally, the SFM enforces the provisions of the OFC through a citation process. The goal of the process is to gain compliance with the safety standards contained on the OFC. Fines and penalties are generally imposed, but often waived if a responsible party brings their facility or property into compliance with the OFC provisions. Generally, however, such fines center around other violations, not those focused on paperwork. In fact, current revisions include clarification for fire protection installer certification applicants who have had their certification revoked and therefore, may not reapply for certification for a period of two years; the provisions now clearly state that applicants whose certification was denied due to paperwork omissions in the application process will not be disqualified for two years, as is the case when applicants are otherwise disqualified. Additionally, fines would only be imposed upon issuance of a citation; the SFM typically issues citations for less than 1% of all facilities that it inspects. For most facilities, the SFM identifies fire code violations and provides an immediate notification of the deficiencies (via a report) and gives the owner an opportunity to cure. A citation is issued only if the building owner fails to cure the violations in a timely manner.

An exception would be required maintenance records so that compliance with testing and maintenance provisions can be verified. If such records are not maintained, they could constitute a violation of OFC requirements and could result in the imposition of fines or penalties. Again, however, such are generally waived if compliance is attained. The SFM

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generally prefers to see any funds that must be expended be used on achieving compliance rather than paying fines. Fines and penalties are generally reserved for the worst offenders who are either routinely non-compliant or who obstruct or refuse compliance.

**18. What resources are available to assist small businesses with compliance of the regulation?**

Please see question 13. All training opportunities will be made available to all entities. In addition, as stated above, SFM Code Enforcement Bureau inspectors are available to discuss relevant code provisions and changes with anyone affected by the rules.