MEMORANDUM

TO: Tracie Boyd, Ohio Department of Commerce, Division of State Fire Marshal

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: September 28, 2017

RE: **CSI Review – 2017 Ohio Fire Code – (OAC 1301:7-7-01 through 1301:7-7-80)**

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

Analysis

This rule package contains 37 rescinded rules, 38 new rules, and 10 amended rules[1] proposed by the Ohio Department of Commerce (ODC). The rule package was submitted to the CSI Office on August 9, 2017 and the public comment period was held open through August 21, 2017. Two comments were received during the CSI public comment period.

The rules proposed within this package comprise the Ohio Fire Code (OFC), which sets forth practices and requirements for fire safety for all premises and structures in Ohio. The OFC is being updated by the ODC Division of the State Fire Marshal (SFM) in order to update the rules to reflect changes in national standards, Ohio law, and the Ohio Building Code.

During early stakeholder outreach, SFM began its revision process by reaching out to relevant

[1] OAC 1301:7-7-01 through 1301:7-7-10 are being amended to the extent that the Legislative Service Commission requires the Department to rescind the rules and replace them with new rules of the same rule number.

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

industries, associations, and government agencies through a stakeholder list they have identified as having an interest in the provisions of the OFC as well as those who have requested to be a stakeholder. During this time, SFM received 74 petitions from external stakeholders and submitted 41 petitions through the internal process. SFM made changes to the rules regarding 60 of the petitions. After these changes had been made, 16 stakeholder comments were received that prompted SFM to make additional changes to the rules. The petitions, comments, and agency responses were submitted with the BIA.

During the CSI public comment period, comments were received from two stakeholders. One comment suggested that the allowance for only one fire alarm pull station in a hotel facility would be inadequate. SFM clarified that a single pull station is allowed only in cases where other safety measures are present, including full building suppression, smoke detection, and approval from local authorities. Another comment was received that addressed several topics within the rules regarding emergency responder radio coverage. The comment suggested changing the required signal strength of radio coverage within and outside of buildings. SFM responded that the language for signal strength outside of buildings would be amended to reflect the suggestion. SFM also responded that the changes to the language for indoor signal strength are unnecessary, since the rules are being amended to reflect the most current requirements of the 2015 International Fire Code (IFC). The comment also recommended changing language regarding monitoring signal booster systems to specifically require fire alarm systems. SFM claimed that the changes are not required, since other alarm systems can be used for monitoring purposes. This comment also suggested typographical changes to clarify the intent of the rules, which SFM accepted and amended the proposed rules.

The OFC impacts every business with structures or premises in Ohio and the BIA details each rule's impact. The adverse impacts on businesses created by these rules include licensing fees and fines for violating the requirements of the OFC, as well as time and money spent to adhere to fire safety requirements. Fines for violations of the OFC can reach $1,000, with additional fines for failing to remedy the violation. New adverse costs created by the proposed rules include discretionary permits, construction and maintenance requirements, and the elimination of certain grace periods for certificate renewals. SFM states that many of these changes are being made to bring the OFC in line with national standards, such as the 2015 IFC. Additionally, the proposed rules eliminate several permits, which should reduce the burden on businesses. In general, the adverse impacts are justified by the need to ensure the safety of Ohio's citizens in buildings across the state.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is

justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

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